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# *House of Representatives*

The House met at 9 a.m. and was called to order by the Speaker.

## PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Search us, O Lord, and examine us; test our minds and our hearts. Analyze our commitment to Your righteousness in the work we set out to do and to Your direction in the decisions we will make. Judge our faithfulness to Your desire for the living of our lives this day.

Test our minds that they would prove wise enough to understand the scope of our responsibility that You have laid on us as well as its limits. Enable us to discern wisely what is the faithful stewardship of resources You have charged us to manage. As war rages in Ukraine, as Türkiye and Syria emerge from earthquake devastation, and all the while our own enemies seek to exploit our vulnerabilities, the weight of our duty to speak, to act, and to wait is heavy on the shoulders of this body.

Test our hearts, that as we weigh the costs of our involvement with the many areas in dire need around the world, that we would not be found callous to the toll these atrocities have had on tens of thousands of innocents, and the inestimable damage that has been inflicted on the integrity of peace in our lifetime.

May our righteous inclination to devote ourselves to these tragedies not cause us to ignore equally urgent needs at home.

To whom much is given, much is required. May we prove faithful to the many requirements Your gracious gifts demand of us.

In Your sovereign name we pray.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House the approval thereof.

Pursuant to clause 1 of rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Texas (Ms. GARCIA) come forward and lead the House in the Pledge of Allegiance.

Ms. GARCIA of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

## HONORING RICHARD AND JONI MAPLES

(Mr. BURCHETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURCHETT. Mr. Speaker, I rise to honor Richard and Joni Maples, two Beardon High School graduates—my mama had them in math class—who have received this year's Helen Ross McNabb Spirit Award. This award recognizes folks who have done great work to support the McNabb Center and the east Tennessee community.

Richard and Joni were both raised by parents who taught them the values of faith, family, and hard work. They keep these values close to their hearts, and they make a constant effort to serve folks around them whenever they can.

This includes supporting the McNabb Center, which is a nonprofit that provides mental health services to east Tennesseans who need it. Richard has continuously served the McNabb Center in various board positions and campaigns since 2012 and stayed involved in a bunch of other east Tennessee organizations that serve our community.

Of course, this was all done with the unwavering help and support of his wonderful wife Joni. They are about to celebrate their 50th anniversary. I can't imagine any woman who could tolerate Richard for 50 years, but she has managed to do that.

They have raised two wonderful children, Matthew and Andrea, and now they have four wonderful grandchildren.

Mr. Speaker, we thank Richard and Joni so much for serving our community with selfless dedication. I am proud to congratulate them on receiving the Spirit Award this year. They certainly deserve it. It is good to see a couple of West Knoxvillians who have done well.

## STUDENT DEBT RELIEF

(Ms. BALINT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BALINT. Mr. Speaker, as a former teacher, I know that education can be and should be a pathway to financial freedom. For over 45 million Americans facing crippling student debt, education has become an unsustainable economic burden.

Student debt is keeping Americans from buying homes, starting families, and saving for their futures. It is holding back a generation from getting the education that they need, that they want, and that they deserve. This impacts all of us. Our education suffers because of this debt. Our economy suffers, our families suffer, and our children suffer.

President Biden's student debt relief plan will change lives and open doors for so many working families.

It is urgent that the Supreme Court uphold this critical program that will free millions of Americans from this heavy financial burden. So today I call on the Supreme Court to support President Biden's plan and make the historic step in making higher education attainable for everyone in this country.

## INSTITUTES OF HIGHER EDUCATION MUST COUNSEL STUDENTS REGARDING STUDENT LOAN DEBT

(Mrs. MILLER-MEEKS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER-MEEKS. Mr. Speaker, I rise today to address the growing student loan debt in our Nation. Despite efforts by President Biden and the Democrats to forgive student loans, they are still a major financial commitment and should be treated as such.

Before taking out Federal student loans, proper counseling for students should be required. We must ensure that our students are equipped with the guidance needed to make an informed decision and that they understand the process through which they pay these loans back.

This week I reintroduced the Know Before You Owe Federal Student Loan Act with Representatives Feenstra, Hinson, Nunn, and Guest to require institutes of higher education to counsel students before any Federal loans are disbursed. This counseling would also require students to manually enter the exact dollar amount of funding requested and require that students receive regular loan statements throughout their undergraduate career.

If we can help our students understand the process by which they receive Federal students loans and the interest, we will be one step closer to helping to relieve them of their debt through their career choices—unlike President Biden's loan which claims to erase these loans.

Unfortunately, we can't just erase loans taken out. They must be paid back, just like a car loan or a mortgage. Erasing would only transfer the debt to other hardworking taxpayers.

## HOLDING RAILROAD CARRIERS ACCOUNTABLE

(Ms. GARCIA of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GARCIA of Texas. Mr. Speaker, we feel the pain of the people of East Palestine. We stand with them in demands for change in safety in the railroad industry.

It is not just what trains carry. It is their weight, it is their length, it is their mechanics, it is the number of people on the train, and it is about damage to the neighborhoods and the environment.

Mr. Speaker, my district has the most reported roads blocked by trains of any district in the Nation. This means that the trains disrupt a lot of activity in our neighborhoods, and we get many complaints about blocked crossings blocking kids getting to school, fire trucks and ambulances not being able to get to buildings and to homes, and just a lot of damage done to our neighborhoods.

So the trains are not just about the derailment of East Palestine, but it is also about the damage they do every day particularly, again, in my district that has so many railroads.

I know, Mr. Speaker, that you know about this.

What we will be doing today and the following weeks is to focus more on rail safety. I had the FRA administrator in the district last week, and I am pleased to say that today we will be filing a bill called Don't Block Our Communities Act to address some of these issues.

## HONORING BEYONCE KNOWLES CARTER

(Mr. ROBERT GARCIA of California asked and was given permission to address the House for 1 minute.)

Mr. ROBERT GARCIA of California. Mr. Speaker, I rise today to commemorate the end of Black History Month and the beginning of Women's History Month by honoring an individual who represents both so well.

She is an icon, she is a legend, and she is now—and forever—the moment.

I want to celebrate none other than who I believe is the undisputed queen of pop and R&B, Beyonce Knowles Carter.

A few weeks ago, this Brown skin girl out of H-Town won her 32nd Grammy, giving her the most Grammy wins of all time.

But Beyonce is so much more than a performer and a singer. She is a creator and an artist. When the radio said to speed it up, she went slower.

I will never forget the time I saw Destiny's Child perform for the very first time. It was life changing for me and for the way I experience music. I became an instant fan then and have been a huge fan ever since.

Beyonce is also a role model for millions across the country. She stood up for voting rights, for feminism, for women and girls, and for my community—the LGBTQ+ community. For my generation and so many others, she simply is the greatest of all time.

Her story is history.

Mr. Speaker, I congratulate Mrs. Carter on her achievements and for winning the most Grammys ever in the history of our country. You are irreplaceable.

## REDUCE EXACERBATED INFLATION NEGATIVELY IMPACTING THE NATION ACT

The SPEAKER pro tempore (Mr. PERRY). Pursuant to House Resolution 166 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for further consideration of the bill, H.R. 347.

Will the gentleman from Texas (Mr. BABIN) kindly take the chair.

□ 0911

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 347) to require the Executive Office of the President to provide an inflation estimate with respect to Executive orders with a significant effect on the annual gross budget, and for other purposes, with Mr. BABIN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, February 28, 2023, amendment No. 10 printed in House Report 118–4 offered by the gentleman from New York (Mr. LANGWORTHY) had been disposed of.

AMENDMENT NO. 11 OFFERED BY MS. OMAR

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 118–4.

Ms. OMAR. Mr. Speaker, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 14, after the period, insert the following: ''In estimating the inflationary effects of any major Executive order under this subsection, the President, Director, and Chair shall consider the factors described in subsection (d).''.

Page 3, after line 2, insert the following:

(d) FACTORS.—The factors described in this subsection are the following:

(1) BENEFITS.—With respect to benefits provided by the applicable major Executive order, the total annual economic value of—

(A) personal consumption expenditures, net of investments, and defensive spending;

(B) the purchase of consumer durables and other household durables used for home improvement, including appliances, vehicles, and solar panels;

(C) publicly provided goods and services;

(D) higher education;

(E) job skills that are essential to an economy that—

(i) is self-sufficient; and

(ii) addresses ecological scarcities and directs resources to sustainable development without degrading the environment;

(F) time spent toward leisure activities;

(G) unpaid labor, including—

(i) parenting;

(ii) volunteering; and

(iii) time spent on household duties;

(H) infrastructure, including—

(i) transportation systems;

(ii) communication networks; and

(iii) sewage, water, and electric systems; and

(I) ecosystem services with respect to protected natural areas, including—

(i) flood control;
(ii) water purification;
(iii) pollination of crops;
(iv) control of pests and invasive specifies;
(v) outdoor recreation;
(vi) hunting and fishing;
(vii) harvesting of plants for medicinal and edible purposes;
(viii) carbon sequestration; and
(ix) maintenance of biological and genetic diversity.

(2) COSTS.—With respect to costs of the applicable major Executive order, the total annual economic costs of—

(A) income inequality based on household expenditures;
(B) underemployment and unemployment;
(C) homelessness;
(D) domestic abuse;
(E) violent, property, white-collar, and organized crime;
(F) water, air, and noise pollution at the household and national level;
(G) the loss of farmland and productive soils, including soil quality degradation;
(H) the loss of natural wetlands, primary forest area, and other at-risk ecosystems;
(I) high amounts of carbon dioxide and other greenhouse gas emissions;
(J) the depletion of the ozone layer;
(K) the depletion of nonrenewable sources of energy;
(L) lost leisure time due to traffic congestion; and
(M) accidents involving motor vehicles.

The Acting CHAIR. Pursuant to House Resolution 166, the gentlewoman from Minnesota (Ms. OMAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Minnesota.

Ms. OMAR. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I rise today to call on Congress to take up economic measurement tools that will uplift all Americans.

My amendment would add factors from the genuine progress indicator to register budgetary reporting. GPI would supplement the information we get from traditional measures like GDP, which mainly emphasizes growth for its own sake.

GPI would provide a more accurate and inclusive assessment of economic well-being. It evaluates the positive and negative factors of economic activity ranging from the benefits of infrastructure and workforce development to the process costs of income inequality and pollution on our collective well-being.

It would give us the chance to finally account for important but overlooked aspects of society such as wealth distribution, economic sustainability, and the overall quality of life for everyday Americans.

We must recognize that collective prosperity is only attainable if we identify the gaps and barriers preventing our most vulnerable communities from thriving.

My amendment simply seeks to give lawmakers more comprehensive data so that we can make more informed policy decisions.

Mr. Chair, I urge my colleagues to vote for this amendment in order to focus our policy lens on the lives of working and poor families in America.

Mr. Chair, I reserve the balance of my time.

□ 0915

Mr. COMER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. COMER. Mr. Chairman, my colleague's amendment, unlike some others offered, would not eliminate requirements for inflation-impacted assessments. What it would do is overburden the assessments with a host of issues that do not have much to do with inflation.

What are those issues? The list is quite extensive, but let me highlight a few. There are the annual economic values of publicly provided goods and services, higher education, and time spent on leisure activities and outdoor recreation. There are the annual economic costs of lost leisure time due to traffic congestion, accidents involving motor vehicles, and the depletion of the ozone layer.

In other words, inflation would no longer be the bill's focus. Under this amendment, it would just be one factor among many other things, but that is how we got to where we are. Inflation is running rampant precisely because the administration is ignoring the inflationary impact of its policies, and it is ignoring the deep harm that inflation is inflicting on the American people. That is why inflation should be the focus of this bill.

Mr. Chairman, I urge my colleagues to vote ''no'' on this amendment, and I reserve the balance of my time.

Ms. OMAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Mr. Chairman, I thank the distinguished gentlewoman from Minnesota for yielding.

Just to recap where we are from yesterday, the whole Congress eagerly awaited to hear what the big anti-inflation initiative would be coming from the GOP side of the aisle. In the past, Richard Nixon had offered wage and price controls. Herbert Hoover, of course, had dismantled all social spending. What was going to be the big plan coming from the Republican side? The big plan is to ask for the President of the United States, when he issues executive orders, to add inflation estimates.

Of course, there is no study showing that executive orders have had any impact on inflation or deflation in the country, so it seems now we are on a real wild goose chase where people are pasting all different kinds of things on it.

The gentlewoman from Minnesota actually comes forward with a very interesting idea, which would be a wonderful thing to talk about if we had a real hearing in the Oversight Committee about the subject. What she is saying is that a number of States, including my State, Maryland, have adopted the genuine progress indicator as a real index of social and economic well-being in their communities.

What this does is it doesn't count negative things like the costs of car accidents and asbestos poisoning as part of GDP. Right now, there are so many negative things that are included as part of GDP. The genuine progress indicator has, I believe, 26 different factors that measure actual progress in social and economic well-being.

If we are going to go down this road without a hearing, without any real analysis, and this is going to be the majority's approach to dealing with inflation, then, by all means, let's include the genuine progress indicator.

Mr. COMER. Mr. Chairman, I yield back the balance of my time.

Ms. OMAR. Mr. Chairman, as my colleague on the other side of the aisle admittedly said, this is just another factor that gives us more tools, more ability to fully comprehend what is happening with our economy.

Mr. Chairman, I urge my colleagues to support this amendment and vote ''yes.''

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Minnesota (Ms. OMAR).

The amendment was rejected.

AMENDMENT NO. 12 OFFERED BY MR. PERRY

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 118–4.

Mr. PERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, strike ''$1,000,000,000'' and insert ''$1,000,000''.

The Acting CHAIR. Pursuant to House Resolution 166, the gentleman from Pennsylvania (Mr. PERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PERRY. Mr. Chairman, the underlying bill requires the President to have prepared for the American people and consider the inflation impacts of all major executive orders. This provides transparency to the American people of the economic impacts of such executive orders.

At the Rules Committee last night, the minority raised concerns that these requirements would apply to a limited number of circumstances. This amendment actually appeases these concerns by lowering the threshold at which an executive order is considered major for the requirements of the bill from $1 billion to $1 million.

This reduced threshold will ensure the President is required to assess the inflationary impacts of significantly more executive orders than the underlying bill would require, which actually increases the amount of transparency provided by this bill.

I am sure the minority would agree with increased transparency. They

asked for it just last night. They asked for it just in the last debate over the last amendment.

Mr. Chairman, I am sure we have all heard from our constituents about the impact of inflation. This amendment allows us to expand our efforts to address their concerns.

While some of my friends on the other side of the aisle might say, well, we need a different index, or we need an additional index, here is what the American people don't need: They don't need some report of progress or you name whatever you want to name it.

What the American people know is this: When they go to the store, everything they are buying costs more. It is unaffordable. When they go to the gas station to try to fill up their tank, it costs them more. When they go to the lumberyard, when they go to the bank, when they try to buy a new home, everything costs more.

They don't need some index to tell them that the cost of living is going up and something is causing it, and one of the things is this. Regardless of which party is in power in the executive branch, executive orders would maybe actually reduce the cost of inflation. We need to know that, too. We just want to know what the answer is regardless of which way. This amendment would provide for that.

Mr. Chair, I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. RASKIN. Mr. Chairman, now we move from the ludicrous to the absurd to the sublime.

Yesterday, they wanted a report from the President upon issuance of an executive order for executive orders having an inflationary impact or having an economic impact of $1 billion. Today, they have gone to one one-thousandth of that. They want a report for every $1 million.

The gentleman points out that I observed yesterday that it would apply to only a handful of executive orders, which is absolutely right. I wasn't arguing or wasn't concerned, as he said, that it applies to too few cases. I was just reflecting about how silly the whole exercise was.

They didn't even seem to understand how few executive orders it would apply to, just like they forgot to put into the legislation a requirement that it actually be published, something that was remedied yesterday in the Boebert amendment.

In any event, Mr. Chairman, now they want an inflationary estimate statement when there is an executive order that has $1 million economic impact, which, by my quick calculation here, is three one-hundred-thousandths of 1 percent of the $26 trillion U.S. economy. It is a fraction of the budget of the Oversight Committee itself. We may as well be saying we should register what the inflationary impact is of the majority and minority budgets in the Oversight Committee.

Obviously, this is an exercise in futility, in silliness. They are finger painting on their own legislation, which itself is not based on any legislative process, based on any hearing, and it obviously does nothing to reduce inflation.

That, however, is what this administration has been working on. Of course, they don't talk about unemployment anymore, which they used to talk about, because President Biden's administration created 12 million new jobs, whereas the last President destroyed millions of jobs. The economy has come roaring back under the Biden administration, just like the Biden administration is actually bringing inflation down.

Example: Check out the Inflation Reduction Act. Everybody who is on insulin in America under the Medicare program is now paying only $35 a month. Now, we know that they opposed that. We know they wanted to repeal that provision. I think they still do want to repeal that provision, but that was a very concrete action, to lower prescription drug prices for diabetics within the Medicare program. They have been lowered across the board within the Medicare program.

That is the kind of specific programmatic action that the Biden administration has undertaken, not a silly reporting bill, which some days is applying to a billion dollars, some days it is applying to a million dollars. There is no rhyme or reason to what they are doing.

Mr. Chairman, I reserve the balance of my time.

Mr. PERRY. Mr. Chair, I will just say this. I am not from Maryland, and I don't live around the beltway here, where everything is just fine. I live up in Pennsylvania, where $1 billion or $1 million is a lot of money to hard-working people who get up in the dark of night and head out to work. A million dollars is a lot of money, and they would like to know where we are spending it here.

Mr. Chair, I yield such time as he may consume to the gentleman from Kentucky (Mr. COMER), the chairman of the committee.

Mr. COMER. Mr. Chair, I rise in support of the Perry amendment.

My colleague's amendment extends the bill's coverage to executive orders with annual impacts of $1 million or more. This makes sure inflation assessments will be prepared for most executive orders.

This is not an undue burden on the President. Even at President Biden's relatively blistering pace, he has issued only 107 executive orders over more than 2 years.

I submit that, with today's sky-high inflation continuing and with no clear end in sight, it is important that the inflationary impacts of most of President Biden's executive orders should be assessed. If my colleague's amendment is adopted, they will be.

Mr. Chair, I urge my colleagues to vote ''yes'' on this amendment.

Mr. PERRY. Mr. Chair, may I inquire as to the time remaining.

The Acting CHAIR. The gentleman from Pennsylvania has 2 minutes remaining. The gentleman from Maryland has 2 minutes remaining.

Mr. PERRY. Mr. Chairman, I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I don't know that there is much left to say on the substance of this amendment.

I did hear my colleague from Pennsylvania make some sort of disparaging remark about Maryland and about how he didn't live in Maryland, where, apparently, we don't understand the value of money.

Well, the land where we actually are standing today used to be part of Maryland. It was ceded by Maryland to Congress for the purpose of creating the District of Columbia.

When our Capitol came under attack by violent insurrectionists and those who were chanting ''hang Mike Pence'' and who were determined to overthrow the 2020 Presidential election, there were hundreds of police officers who came from Maryland to join the Metropolitan Police Department and the Capitol Police officers in defense of the Capitol of the United States.

I take umbrage at any insinuation that the people of Maryland need to take a back seat to anybody in terms of the defense of the principles of this country. I would thank Mr. PERRY for a correction about that.

Mr. Chairman, I reserve the balance of my time.

Mr. PERRY. Mr. Chair, let me just say this. There were no disparaging remarks about Maryland, only the fact that people in Pennsylvania understand the value of $1 million or $1 billion, and they want to know how it is being spent in Washington, D.C. It is their government. The citizens of the United States, it is their government, and it is their tax money.

This amendment seeks to provide that transparency so that they know the effect of executive orders coming out of the White House, how it affects their wallet. They should know that. We should all be for that.

If you want to discuss the Inflation Reduction Act, you can call any bill here anything you want to. You can call it kids are beautiful and the Sun is going to shine today. But here is what I know: In central Pennsylvania, where I live, the good citizens that I represent are paying $5, $6, $7 for a dozen eggs. They are paying $6, $7 for a pound of hamburger. They can't afford to drive to work. They can't afford to pay their energy bills. They are having a hard time paying their mortgage.

That is inflation, sir. That is inflation, to the good gentleman from Maryland. Part of that is caused by the White House's edicts that impose

things on the American people. They want to know and have the right to know what that is so they can inform their votes.

Mr. Chair, I yield back the balance of my time.

Mr. RASKIN. Mr. Chairman, yes, the prices of housing are too high, and the prices of groceries are too high. That is why the administration is working concretely to lower prices and why inflation is coming down now across the board.

What do we get from the majority today? They want a reporting bill about the inflationary impact in executive orders, nothing even about what Congress is doing and how Congress is behaving and contributing to inflation. They want to somehow add a technical reporting requirement for executive orders and think that is accomplishing something.

The administration is lowering the cost of student debt despite the fact that they are doing everything they can to stop it. The administration is acting to lower housing prices across the country. We have moved to lower prescription drug prices and healthcare across the country. They have been fighting us every step along the way. Instead, they come back with this reporting bill, which, again, will do nothing to help the fight against inflation.

Mr. Chairman, I yield back the balance of my time.

□ 0930

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PERRY).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. PERRY

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 118–4.

Mr. PERRY. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 11, after ''index'', insert the following: ''(including a detailed description of such impact)''.

The Acting CHAIR. Pursuant to House Resolution 166, the gentleman from Pennsylvania (Mr. PERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PERRY. Mr. Chair, as we all should know by now, this bill requires the President to consider for any major executive order the impact of the executive order on inflation. I mean, the President is the President of the United States and the well-being of every citizen should be of the President's concern, and I believe it is.

When the American people have been suffering this inflation for years, it makes sense to require the President, no matter which party, to at least consider the impact of his actions on the American people, because they don't have any choice in the matter till the next election.

This amendment requires for executive orders that are found to have an impact on the Consumer Price Index—we have got to have some measure, right? Most people recognize the Consumer Price Index—a detailed description of that impact so that we can all be on the same page and we can all reference the same data point.

Folks, this is common sense, and it is reasonable. The way this bill is currently written, I support the bill. The statement prepared by the President must simply include whether it has an impact on inflation and maybe the impact is to lower inflation. That would be awesome.

I think we are going to have to wait a couple years until we get a President that actually does that. So be it, we will accept that, even this legislation under a new President that lowers the cost of inflation by executive order.

The current bill doesn't talk about the extent of the impact, which is what this amendment seeks to remedy. This amendment requires that statement to provide actual information on the extent of the impact regarding the Consumer Price Index.

With that, Mr. Chairman, I urge adoption of this amendment, and I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. RASKIN. Mr. Chair, I am afraid I remain unilluminated as to what that amendment will do. Apparently, the purpose is to require a more detailed or technical description of the projected impact, or when an assessment required by the bill finds that there will be some inflationary effect.

Again, this sounds like it is simply adding more bureaucracy, more paperwork with no return on investment for the taxpayer dollars that it would obviously take to conduct such an analysis. I mean, here we have gone for more than two centuries with apparently no economist arguing that what we really need to stop inflation is more reporting in the process of issuance of executive orders by Presidents of the United States.

Suddenly, somebody had a great epiphany over there, without even a legislative hearing, that what was really needed was just for the President of the United States to append an inflationary statement to executive orders at the rate of a billion dollars, perhaps to be amended to a million dollars.

Who knows if it is 50 million or 100 million, but it doesn't make any difference because there is no data behind any of it. There is no analysis. You may as well spin a wheel and pick a number at which a report is going to be compelled by the majority here for the so-called REIN IN Act, which stands for the Reduce Exacerbated Inflation Negatively Impacting the Nation Act.

You could go by other titles, including the running on empty index, no new ideas, none act, since basically they are scraping the bottom to try to figure out something to say about inflation, because the administration is actually bringing inflation down.

Now, we notice they don't talk about unemployment, which used to be their mantra: jobs, jobs, jobs. But when Joe Biden came back and created 12 million new jobs after the last administration destroyed millions of jobs with their lethal recklessness in the mismanagement of the coronavirus pandemic and Joe Biden turned it around in this administration, they stopped talking about it.

However, they did notice that there was global inflation going on because of the disruption of the global supply chain and because of Vladimir Putin's filthy, imperialist invasion of Ukraine, which some of their Members actually are cheerleaders for, then there was a real problem with inflation.

The administration has steadily been bringing it down, which is why it doesn't have quite the political salience it used to, but the world was waiting with bated breath to determine what their actual plan would be and, alas, their whole plan is a reporting requirement. Nothing to do with Congress and Congress being able to do anything, but a reporting requirement for the President when he issues executive orders.

I think the public is gravely disappointed by this complete collapse of any real commitment to the one issue they thought they had organized their conference around.

Mr. Chair, I reserve the balance of my time.

Mr. PERRY. Mr. Chair, I yield such time as he may consume to the gentleman from Kentucky (Mr. COMER), chairman of the House Oversight Committee.

Mr. COMER. Mr. Chair, I rise in support of the Perry amendment.

The one thing that has become clearly obvious to me, Mr. Chairman, is the fact that my friends on the other side of the aisle, they have no idea how much inflation this administration's policies have created for the American people.

That is the perfect reason why we need to support this bill, as amended; if for no other reason, so we can help our friends on the other side of the aisle have some type of measurement so they can see how damaging their policies and their out-of-control spending has been on everyday, average Americans when they go to the grocery store, when they fill up their gas tank, when they try to pay their rents now.

My colleague's amendment is a wise one. This bill requires inflation impact assessments to be prepared for the President's executive orders, but as we all know, the executive branch routinely does as little as possible to comply with assessment and reporting requirements Congress imposes on it.

This amendment makes sure the executive branch will include in its inflation impact assessments detailed descriptions of the effects the President's executive orders have on inflation, not just back-of-the-envelope sketches.

In other words, it makes sure the executive branch will comply with the spirit of the bill, not just its letter.

Mr. Chair, I urge my colleagues to vote ''yes'' on the Perry amendment.

Mr. PERRY. Mr. Chair, may I inquire as to how much time is remaining.

The Acting CHAIR. The gentleman from Pennsylvania has 1½ minutes remaining.

Mr. PERRY. Mr. Chairman, the gentleman from Maryland (Mr. RASKIN), my friend, talks about increased bureaucracy, the increased bureaucracy of informing the American people.

My goodness. My goodness. I have never heard that from my friends on the other side of the aisle, ''increased bureaucracy.'' I mean, all they do around here is infuse more government into our lives with every single thing they do.

The gentleman talks about the medical situation and price-fixing. He doesn't call it price-fixing, but that is what it is. It is price-fixing. More bureaucracy taking more drugs off the market, more lifesaving research off the market, but they are good with that.

They talk about 12 million new jobs, but don't talk about the fact that in one of the reporting periods a million jobs were created but then it was only months later we find out that only 10,000 were created.

Oh, and that first report? Right before the election. Interesting how that happened.

He doesn't want to talk about that or the workforce participation rate. He talks about lowering inflation. You can talk about that all you want to but people that pay for things don't experience it. So you can say it is true, but the reality is that it is not true. All these years he has been saying it is unnecessary to do this.

My goodness. My good friend from Maryland is a member of the legislature. You would think he would want to preserve the power of the legislature instead of handing it to the executive branch, which is what this place has done for years upon years.

Now we have a chance, and my friend wants to hand yet more power to the executive branch instead of preserving the power of the branch that he serves in.

Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

Mr. RASKIN. Mr. Chairman, one can only regard with amazement the gentleman's insinuation that I want to hand power to the executive branch when we have been acting here in Congress to pass the Infrastructure Investment and Jobs Act and to pass the Inflation Reduction Act in the last Congress.

All of the measures they oppose, we moved in order to make real economic progress in the country. Congress was doing that.

They have a big opportunity today to come forward with what their anti-inflation agenda is. Their whole anti-inflation agenda is: we are going to beg the President of the United States to append some inflation numbers to an executive order, to a handful of executive orders over the course of the year.

The gentleman also, I think, slipped in his opposition to our legislation, which reduces to $35 a month what diabetics have to pay for their insulin shots. He calls this price-fixing.

My friend from Pennsylvania is invited to contradict me if I misunderstood him. I think he was describing all of the lowering of prescription drug prices we have done.

We are saving millions of Americans across the country thousands of dollars in their Medicare prescription drug prices, and the gentleman just called that price-fixing. I assume he is opposed to it.

Mr. Chair, I am happy to yield, if he would like to correct me, but otherwise I am going to go back with the conclusion that you are opposed to all of the lowering of the prescription drug prices that the Congress actually engaged in in the 117th Congress.

Finally, the gentleman would like to somehow put in our court the burden of bureaucracy.

Well, let's talk about the major bureaucracy that is being put in place in America today to violate the rights and the freedom of women to make their own medical decisions as they try to criminalize that.

I don't know exactly where the gentleman is—perhaps he can clarify it—most of them support a national ban on abortion, taking what was a constitutional right for more than a half century and turning it into a felony criminal offense or a misdemeanor criminal offense.

You want to talk about bureaucracy? You want to talk about police state? That is on you.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PERRY).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. ROY

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 118–4.

Mr. ROY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, beginning on line 11, strike '', but'' and all that follows through ''Tribe'' on line 24.

The Acting CHAIR. Pursuant to House Resolution 166, the gentleman from Texas (Mr. ROY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. ROY. Mr. Chairman, I rise today to offer an amendment to this underlying piece of legislation to ensure that it applies to everything. I don't believe that we should be in the business of exempting certain executive orders. I think they should apply across the board.

My amendment would strike the exceptions to the bill's inflation estimates for executive orders that provide emergency assistance or relief or related to national security.

I don't believe that we should be pulling out of the calculation those executive orders that touch on national security simply because, frankly, often my colleagues on both sides of the aisle want to be able to use ''emergency'' for all manner of sins, and they want to be able to use the Defense Department to hide behind all manner of sins and expenditures.

The underlying bill is actually an important piece of legislation, despite what my colleague from Maryland is saying.

Why? Because the executive orders being offered by this administration, and frankly by many administrations, do have an actual and significant inflationary impact.

□ 0945

We are allowing the executive branch to run amuck. We are allowing the executive branch to essentially legislate and make massive policies that have an enormous impact on everyday, hardworking American people.

That is why this legislation is important. Unlike our colleagues on the other side of the aisle who like to use the power of government to be able to actually put gasoline on the fire of inflation by spending more money, by engaging government into the business of the American people, we want to be able to look at information about what government is doing to cause the problem in the first place.

For example, the President's executive order on vaccine mandates. You don't believe that had a massive inflationary impact to go around this country, forcing people to stick a needle in their arm or lose their job, causing all sorts of constraints in labor supply, making it difficult for people to carry out their jobs?

You don't believe that the executive orders on minimum wage, the executive orders on the Keystone pipeline, and other limitations on Federal oil and gas leases, the executive orders with respect to WOTUS and NEPA and all sorts of environmental rules and regulations that restrict the ability of the American people to create wealth, create jobs, create opportunities; you don't believe those create inflationary impact?

Of course they do. Our job in Congress is to check the executive branch. Our job in Congress is to stand up for the American people and get the government out of their lives.

This amendment is designed to make sure that we are going to apply it equally to all manners of the executive orders produced by the President, regardless of party. We believe that it is critically important.

Mr. Chair, I reserve the balance of my time.

Mr. RASKIN. Mr. Chair, I claim the time in opposition.

The Acting CHAIR: The gentleman from Maryland is recognized for 5 minutes.

Mr. RASKIN. I yield 1 minute to the gentleman from New York (Mr. JEFFRIES), the distinguished minority leader.

Mr. JEFFRIES. Mr. Chair, I thank the distinguished gentleman from the great State of Maryland for his tremendous leadership.

I rise today in opposition to the amendment, as well as to the underlying bill, the so-called REIN ACT, which is not really designed to do anything meaningful in terms of addressing the economic concerns of the American people.

That is consistent with the fact that over the last 2 months of this extreme MAGA Republican majority, they have been focused on doing anything but dealing with the real kitchen-table pocketbook concerns of the American people.

Over the last year or so, all we heard was that this extreme MAGA Republican majority was going to try to address the economic concerns of everyday Americans.

So we have been waiting and waiting and waiting for the big, grand Republican plan—waiting for it, notwithstanding the fact that President Biden's administration has done a tremendous job pulling us out of a once-in-a-century pandemic, and in partnership with Democrats through the American Rescue Plan, saved the economy from a deep recession, put shots in arms, money in pockets, kids back in school, invested in the infrastructure of this country, which will create millions of good-paying jobs; passed the CHIPS and Science Act to bring domestic manufacturing jobs back home to the United States of America; passed the Inflation Reduction Act to strike a dramatic blow against the climate crisis, set our planet on a sustainable trajectory forward; strengthened the Affordable Care Act, lower healthcare costs, drive down the high price of lifesaving prescription drugs for millions of Americans, including many on insulin, which will now be reduced to $35 a month.

That is the economic record of this administration: 12 million good-paying jobs created over the last 2 years, record unemployment.

Yes, we still have challenges that we need to address as we try to emerge from this inflationary environment that has afflicted the entire world.

Oh, by the way, the United States' economy has emerged from COVID in a better position than any other developed country because of the Biden economic plan and the partnership with House Democrats and Senate Democrats.

But we have been waiting and waiting and waiting for the grand Republican plan, and here it is, the so-called REIN IN Act. Three pages. Three pages.

What does it call for? Reports. Reports. It is the grand Republican economic plan. Why? Because you have been focused on the wrong things.

Now, House Democrats, we are going to continue to invest in the American people, invest in education and job training, invest in transportation and infrastructure, invest in research and development, invest in technology and innovation, invest in the creation and preservation of affordable housing, invest in the health, the safety, the economic well-being of the American people.

That is our plan. We are going to continue to put people over politics. We get three pages calling for reports, the so-called REIN IN Act.

Here is what we should be reining in. We should be reining in the extreme MAGA Republican effort to cut Social Security.

We should rein in the extreme MAGA Republican effort to cut Medicare; rein in the extreme MAGA Republican effort to criminalize reproductive freedom and impose a nationwide ban; rein in the extreme MAGA Republican effort to crash the United States' economy and default on our debt for the first time in American history.

We should be reining in your effort to hand over sensitive security footage from the January 6 violent insurrection to an avowed conspiracy theorist. That is what we should be reining in.

A three-page plan calling for reports is not a serious effort to address the challenges facing the American people, but we will continue to be serious about putting people over politics, fighting for lower costs, fighting for better-paying jobs, fighting for safer communities, fighting for reproductive freedom, and defending our democracy at all costs.

Mr. RASKIN. Mr. Chair, I thank the gentleman for his extraordinarily insightful and significant remarks.

The only exception I would take is when he referred to extreme MAGA. We actually had a colloquy about this yesterday with the good gentlewoman from Colorado.

I had gently suggested that perhaps our colleagues on the other side of the aisle could stop referring to ''Democrat Congresswomen'' with ''Democrat plans'' and ''Democrat bills.''

''Democrat'' is a noun. The adjective is ''Democratic.'' So it would be the ''Democratic Congresswoman,'' the ''Democratic bill,'' and so on.

I said it grates on our ears the same ways it would grate on your ears if every time we invoke the name of your party, we said the ''banana Republican Congresswoman'' or the ''banana Republican Member'' or the ''banana Republican Conference.'' That, we would consider a breach of civility and decorum, so would we prefer to go back to something else.

Yet, the gentlewoman from Colorado said, if I understood her correctly, that she would continue with her deliberate mispronunciation of the name of our party in its adjectival form.

By the way, she took the opportunity to raise the whole question of MAGA, which I had not mentioned. She said, and when you call me MAGA, don't call me MAGA—call me ultra-MAGA.

So when the minority leader referred to the extreme MAGA element, which appears to be driving the train over there, he should have called it the ultra-MAGA element out of deference to the gentlewoman from Colorado.

I certainly will be able to honor her wishes in the future as she chooses to be described as ultra-MAGA.

Mr. Chair, I reserve the balance of my time.

Mr. ROY. Mr. Chair, I yield 1 minute to the gentleman from Kentucky (Mr. COMER), my friend.

Mr. COMER. Mr. Chair, I rise in support of the Roy amendment. My colleague's amendment removes exceptions in the bill to the requirement that inflation impact assessments be prepared for all major executive orders.

With historic inflation created by this administration's inflationary policies, as well as the previous House majority's excessive, unnecessary spending spree, historic inflation is harming households across the Nation.

Our focus should be on doing everything we can to protect our constituents against further inflation. Extending the bill's requirement to all major executive orders is one way we can do that, and that will not unduly burden the President.

After all, the bill's requirements do not prevent any executive order from being issued. They just make sure the President is aware of the inflationary impact that his orders may threaten because I don't think my friends on the other side of the aisle realize how much these orders have impacted inflation.

So I hope that this helps stop the Bidenflation at its source by helping President Biden to see that the inflationary consequences of his actions at the time he is considering them. I urge my colleagues to vote ''yes''.

Mr. RASKIN. Mr. Chair, may I inquire as to how much time is remaining?

The Acting CHAIR (Mr. BUCSHON). The gentleman from Maryland has 2½ minutes remaining.

Mr. RASKIN. Mr. Chair, so I believe our colleagues are coming clean. They opposed the American Rescue Act, which was absolutely essential legislation to get the country out of the Trump economic wreckage during the last administration.

We had 14.8 percent unemployment; the highest unemployment rate since the Department of Labor started keeping statistics.

Today it is down to 4 percent with the creation of 12 million new jobs under the Biden administration. So they shift the subject from unemployment, which they used to talk about, to inflation.

Well, they raised the debt limit themselves three times under Donald Trump who contributed 25 percent of the entire debt of the Nation between George Washington and Joe Biden.

Mr. Chair, 25 percent all came from the Trump administration, but they are looking for something to try to pin on Biden.

So rather than acknowledging that Putin's war in Russia and the disruption of the global supply chains caused by the coronavirus pandemic created a global inflation, and America is doing much better bringing it down than anybody else, they decide just to try to demonize and vilify Joe Biden.

Why? Because the cabinet is empty. The cupboard is bare. There are no ideas over there, as the distinguished minority leader said.

They are not offering any ideas—some reporting requirements, and they are doodling on that; should it be a billion or a million or hundred million.

Who knows? There has been no hearing on it, so they are making it up as they go along on the floor of the House. We can do much better as we did in the 117th Congress to get America moving again.

I reserve the balance of my time.

Mr. ROY. Mr. Chair, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining.

Mr. ROY. Mr. Chair, the question seems to be about we have nothing allegedly in the cupboard, nothing to offer. I think there is plenty to offer.

How about stop spending money we don't have? How about stop dumping trillions of dollars into the economy, jamming up inflation?

How about ending all of the subsidies and all of the Federal expenditures that are undermining the American people's ability to create wealth and create jobs?

The gentleman talks about the amount of debt that was increased under President Trump. How about the 43 to 45 percent of our entire debt that was increased under NANCY PELOSI as Speaker?

Because those are the actual facts, and this is the body that has the power of the purse. This is the body that starts all the spending. We know where the spending starts.

The fact of the matter is my colleagues on the other side of the aisle like to talk about creating 12 million jobs.

First of all, this body doesn't create jobs. The government doesn't create jobs. The American people create jobs.

The fact is our labor participation rate is still far behind pre-COVID levels. We are basically playing catch-up to the utter destruction that was levied against the American people by government, against the American people, shutting down this economy, locking our kids in the corners, setting our kids back generations in terms of their academic performance, and criticizing three-page bills.

I will tell you what. It is a far cry better than the 4,100-page, $1.7 trillion omnibus bill jammed through by the Democrats in December, destroying this economy.

Mr. Chair, I yield back the balance of my time.

Mr. RASKIN. Mr. Chairman, it is always a pleasure to hear my friend from Texas, Mr. ROY, who mentions something which sounded like a substantive suggestion about ending corporate subsidies, or perhaps I intuited or interpreted that.

If he wants to work on legislation with me on ending corporate welfare and corporate subsidies in America, I would love to do that.

That would be a serious step in the right direction, and I would love to work with him on that.

I take it by his suggestion that we rein in spending, something that I referred to when we talked about the Republicans raising the debt limit three times under Donald Trump, they had no problem with doing it back then and creating all of this debt, and we know that the former President was spending like a drunken sailor.

I take it that by not mentioning the legislation anymore, he is basically conceding that this bill will do nothing to bring down the inflation rate. It certainly will not. I don't know if they have been able to mobilize a single economist in the country who would argue that passing this legislation will bring the inflation rate down.

Mr. Chair, I yield back the balance of my time.

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The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. ROY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. RASKIN. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. YAKYM

The Acting CHAIR (Mr. LAWLER). It is now in order to consider amendment No. 15 printed in House Report 118–4.

Mr. YAKYM. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 3, strike ''For'' and insert the following:

(1) IN GENERAL.—For

Page 2, after line 14, insert the following:

(2) CPI IMPACT DISAGGREGATED.—If an Executive order is determined to have a quantifiable inflationary impact on the consumer price index under subsection (a), the statement required by such subsection shall include the amount of such impact on the consumer price index in total and disaggregated by the Food, Energy, and All Items Less Food and Energy categories of the consumer price index (as such categories are determined by the Secretary of Labor in consultation with the Commissioner of the Bureau of Labor Statistics).

The Acting CHAIR. Pursuant to House Resolution 166, the gentleman from Indiana (Mr. YAKYM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. YAKYM. Mr. Chair, my amendment is a simple one. It would require that the President's inflation analysis include not just a top-line estimate but also a breakdown to the CPI's three major subgroups: food, energy, and all items less food and energy.

Americans are navigating inflation rates not seen in generations, and their dollar isn't going far enough because wages aren't keeping up. It is no wonder that a recent Gallup poll found that 50 percent of Americans say they are worse off financially than just a year ago, and that is a level not seen since the Great Recession.

Let me be clear: We have this generational inflation thanks to 2 years of runaway spending. I will grant that the pandemic caused massive disruptions to our economy, supply chains, and our way of life. It was going to be a bumpy ride coming out of that.

However, policies like the American Rescue Plan that were rammed through Congress without a single Republican vote threw gasoline on the fire and supercharged inflation. With one hand, the government was giving away money, and with the other hand, they were taking it right back, and then some, due to inflation.

Yet, Americans have essentially been told not to believe their lying eyes. They were assured that inflation would merely be ''transitory,'' even as it spiraled higher. They were told it was all Vladimir Putin's fault, even though energy inflation averaged just over 21 percent in 2021, the year before Russia invaded Ukraine.

Congress passed the Inflation Reduction Act—again, without a single Republican vote. The only problem with the Inflation Reduction Act is that it doesn't actually reduce inflation.

Everyday Americans' experience with inflation has made one thing abundantly clear: Not all inflation is created equal. Energy and food inflation are particularly harmful. There is no more kitchen-table issue than food inflation. There is no more readily available reminder of the toll of inflation than the price at the pump.

Energy and food inflation impact every single American and hit those living paycheck to paycheck especially hard. Seniors and others on fixed incomes have watched helplessly as costs have risen beyond their ability to keep up.

My amendment will ensure that the President keeps food and energy costs front and center before signing an executive order by breaking out the inflation analysis down to CPI's three main subgroups: food, energy, and all items less food and energy.

An overall inflation figure is not enough. Last month's inflation reading showed a 6.4 percent year-over-year rise in top-line inflation, but let's drill down one level deeper. Food inflation was 10.1 percent, and energy inflation was 8.7. This has been the story for the last 2 years. Energy inflation has outpaced overall inflation for 24 of the last 24 months, and food inflation has outpaced overall inflation for 13.

The top-line number simply doesn't tell the entire story. Drilling down one level deeper in the inflation analysis will increase transparency for the American people. It will focus attention not just on inflation but on the type of inflation.

If the President wants to sign an executive order that, for example, bans new energy production, the American people deserve to know how that order will impact energy inflation.

Mr. Chair, I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. RASKIN. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. RASKIN. Mr. Chair, I thank the gentleman for introducing his amendment, which would add yet another reporting dimension to this already wasteful, bureaucratic paperwork exercise when what the American people need, deserve, and are getting from the Biden administration is real, tangible action to bring down prices in America.

What are we doing? Well, here is one of the things we are doing for older people who disproportionately depend on prescription drugs and people battling illness right now: We have dramatically lowered the cost of prescription drugs in the Medicare program for millions and millions of Americans.

We just heard someone on the other side of the aisle, the gentleman from Pennsylvania, call this price fixing. Well, here is an example of the price fixing that President Biden and the Democratic majority are engaged in. We fixed the price for people who were paying thousands of dollars for insulin shots. We fixed it by putting it down to $35 a month, and they oppose it.

Talk about inflation? What about inflation for diabetics? They don't count? We are not interested in inflation for diabetics, just for large corporations, the people who got more than $1 trillion in a tax cut from the last President? That is who we care about?

We don't care about millions of people who have diabetes in the country, who are spending thousands of dollars a year to pay for their insulin shots? Well, we cut that inflation down to $35 a month, and we get a lecture from them about how that doesn't count.

The Biden administration is trying to cut hundreds of millions of dollars from people who have to pay under a staggering student loan debt today, and they are fighting us on that. They don't care about that kind of inflation. They don't care about the pocketbooks of people who are staggering under student loan debt, 43 million people. We are talking about billions of dollars. Forty-three million people will be assisted by the student loan debt executive order and initiatives taken by the Biden administration, but that doesn't count for them.

We started this series of amendments by talking about the fact that they have this self-imposed political speech impediment. They can't correctly pronounce the name of our party in its adjectival form, but I thought of a solution to this because I was reading a great book by H.W. Brands about Franklin D. Roosevelt called ''Traitor to His Class.'' In the book, he has a bunch of Roosevelt's speeches. Do you know what President Roosevelt called our party? Not the Democratic Party, much less the Democrat Party. If you can't pronounce it, do what Roosevelt did. He called us the democracy. He said the ''economic royalists,'' the corporate plutocrats, say if you invest in the wealthiest people in society, some of the wealth will trickle down on everybody else, but the democracy says you invest in the great working middle class of America, and we will all rise and prosper together. That is the doctrine of the democracy.

If you can't pronounce the name of our party, just call us the democracy. That is what we are today because we defend the right to vote, and we defend free and fair elections, and we stand by the results of elections.

We defend not only the country and our democratic allies all over the world, as in Ukraine, but we defend this body; we defend this Chamber; we defend the Capitol of the United States; and we defend the interests of the working majority of Americans.

The American people are not asking for more reports and more bureaucracy. They are asking for action, and that is what the Biden administration and Democrats in Congress are giving them.

Mr. Chair, I reserve the balance of my time.

Mr. YAKYM. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Chair, I rise in support of the amendment.

Perhaps no part of Bidenflation has been more painful than its impacts on food and energy prices. One can hardly imagine kitchen-table issues greater than those.

Bidenflation is causing food prices to skyrocket, as well as the prices for energy to cook it and the prices of the gasoline needed to get to the market. The list goes painfully on.

My colleague's amendment makes sure that when the President is considering major executive orders, he will be informed in a crystal-clear way of the inflationary impacts his orders may have on food and energy prices. It is my hope that will bring some relief to our constituents at their kitchen tables.

Mr. Chair, I urge my colleagues to vote ''yes'' on this amendment.

Mr. RASKIN. Mr. Chair, the Biden administration brought Trump's unemployment rate, which was skyrocketing, down. We went from 14.8 percent to less than 4 percent, creating 12 million new jobs.

Now, President Biden is bringing down the soaring inflation rate he inherited because of the massive disruption in global supply chains caused by the lethal recklessness of the Trump administration in mismanaging the pandemic response.

We are saying, let's finish the job. Just as we brought unemployment down, we are bringing inflation down. We are making the American economy work for the American people through strategic investments like the Infrastructure Investment and Jobs Act, a $1.2 trillion investment in the roads, the highways, the bridges, the ports, the airports, and broadband across the country, in rural areas.

President Biden is fighting for investment in the American people, and that is what the Democrats are fighting for, not a bunch of reports. We don't need this legislation.

Mr. Chair, I yield back the balance of my time.

Mr. YAKYM. Mr. Chairman, I urge my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. YAKYM).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. BOST of Illinois.

Amendment No. 3 by Mrs. BOEBERT of Colorado.

Amendment No. 6 by Ms. JACKSON LEE of Texas.

Amendment No. 7 by Ms. JACKSON LEE of Texas.

Amendment No. 9 by Mrs. LEE of Nevada.

Amendment No. 14 by Mr. ROY of Texas.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BOST

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. BOST) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 324, noes 83, not voting 32, as follows:

[Roll No. 125]

AYES—324

Aderholt
Alford
Allen
Allred
Amodei
Armstrong
Arrington
Auchincloss
Babin
Bacon
Baird
Balderson
Balint
Banks
Barr
Bean (FL)
Bentz
Bergman
Beyer
Bice
Biggs
Bishop (GA)
Bishop (NC)
Boebert
Bost
Brecheen
Buchanan
Bucshon
Budzinski
Burchett
Burgess
Burlison
Calvert
Caraveo
Carbajal
Carey
Carl
Carter (GA)
Carter (TX)
Case
Castor (FL)
Chavez-DeRemer
Ciscomani
Cline
Cloud
Clyde
Cole
Collins
Comer
Correa
Costa
Courtney
Craig
Crane
Crawford
Crenshaw
Crow
Cuellar
Curtis
D'Esposito
Davids (KS)
Davidson
Davis (NC)
De La Cruz
DeGette
DeLauro
DelBene
DeSaulnier
DesJarlais
Diaz-Balart
Dingell
Donalds
Duarte
Duncan
Dunn (FL)
Edwards
Ellzey
Emmer
Escobar
Eshoo
Estes
Ezell
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fletcher
Flood
Foster
Foxx
Frankel, Lois
Franklin, C. Scott
Fry
Fulcher
Gaetz
Gallagher
Gallego
Garbarino
Garcia (TX)
Garcia, Mike
Gimenez
Golden (ME)
Gonzales, Tony
Gonzalez, Vicente
González-Colón
Good (VA)
Gooden (TX)
Gosar
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green (TN)
Green, Al (TX)
Greene (GA)
Griffith
Guest
Guthrie
Hageman
Harder (CA)
Harris
Harshbarger
Hern
Higgins (LA)
Hill
Himes
Hinson
Horsford
Houchin
Hoyer
Hoyle (OR)
Hudson
Huizenga
Hunt
Issa
Jackson (NC)
James
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Kaptur
Kean (NJ)
Kelly (MS)
Kelly (PA)
Khanna
Kiggans (VA)
Kildee
Kiley
Kilmer
Kim (CA)
Kim (NJ)
Krishnamoorthi
Kuster
LaHood
LaLota
LaMalfa
Lamborn
Landsman
Langworthy
Latta
LaTurner
Lawler
Lee (CA)
Lee (FL)
Lee (NV)
Leger Fernandez
Lesko
Letlow
Levin
Loudermilk
Lucas
Luetkemeyer
Luna
Luttrell
Lynch
Mace
Magaziner
Malliotakis
Mann
Manning
Massie
Mast
Matsui
McBath
McCaul
McClain
McClintock
McCollum
McCormick
Meuser
Mfume
Miller (IL)
Miller (OH)
Miller (WV)
Miller-Meeks
Mills
Molinaro
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Moran
Morelle
Moskowitz
Moulton
Moylan
Mullin
Murphy
Neguse
Newhouse
Nickel
Norcross
Norman
Nunn (IA)
Obernolte
Ogles
Omar
Owens
Palmer
Panetta
Pappas
Pascrell
Payne
Peltola
Pence
Perez
Perry
Peters
Pettersen
Pfluger
Phillips
Pingree
Plaskett
Porter
Posey
Quigley
Radewagen
Reschenthaler
Rodgers (WA)
Rogers (KY)
Rose
Rosendale
Ross
Rouzer
Roy
Ruiz
Ruppersberger
Rutherford
Ryan
Salazar
Salinas
Santos
Schiff
Schneider
Scholten
Schrier
Schweikert
Scott, Austin
Scott, David
Self
Sessions
Sewell
Sherman
Sherrill
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Sorensen
Soto
Spartz
Stansbury
Stanton
Stauber
Steel
Stefanik
Steil
Stevens
Stewart
Strickland
Strong
Takano
Tenney
Thanedar
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiffany
Timmons
Titus
Tokuda
Tonko
Torres (CA)
Turner
Valadao
Van Drew
Van Duyne
Van Orden
Vasquez
Veasey
Wagner
Walberg
Waltz
Wasserman Schultz
Waters
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Wexton
Williams (NY)
Wilson (SC)
Wittman
Womack
Yakym
Zinke

NOES—83

Adams
Aguilar
Barragán
Beatty
Bera
Blumenauer
Blunt Rochester
Bonamici
Bowman
Boyle (PA)
Brown
Brownley
Bush
Cárdenas
Carson
Carter (LA)
Cartwright
Casar
Casten
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clyburn
Cohen
Connolly
Crockett
Dean (PA)
Deluzio
Doggett
Espaillat
Evans
Foushee
Frost
Garamendi
Garcia, Robert
Goldman (NY)
Gomez
Grijalva
Hayes
Higgins (NY)
Ivey
Jackson (IL)
Jackson Lee
Jacobs
Jayapal
Jeffries
Johnson (GA)
Kamlager-Dove
Keating
Kelly (IL)
Larsen (WA)
Larson (CT)
Lee (PA)
Lieu
McGarvey
McGovern
Meeks
Menendez
Meng
Moore (WI)
Nadler
Napolitano
Neal
Norton
Ocasio-Cortez
Pallone
Pelosi
Pocan
Pressley
Ramirez
Raskin
Sánchez
Scanlon
Scott (VA)
Sykes
Tlaib
Torres (NY)
Trahan
Underwood
Velázquez
Williams (GA)
Wilson (FL)

NOT VOTING—32

Bilirakis
Buck
Cammack
Castro (TX)
Clarke (NY)
Cleaver
Davis (IL)
García (IL)
Grothman
Houlahan
Huffman
Jackson (TX)
Joyce (OH)
Kustoff
Lofgren
McHenry
Mrvan
Nehls
Rogers (AL)
Sablan
Sarbanes
Scalise
Schakowsky
Simpson
Spanberger
Steube
Swalwell
Trone
Vargas
Westerman
Wild
Williams (TX)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1037

Mses. BLUNT ROCHESTER, OCASIO-CORTEZ, Messrs. LARSON of Connecticut, CARTER of Louisiana, and DOGGETT changed their vote from ''aye'' to ''no.''

Messrs. KIM of New Jersey, KILDEE, Ms. DAVIDS of Kansas, Mr. KRISHNAMOORTHI, Ms. BALINT, Mrs. FLETCHER, Mr. SOTO, Ms. KUSTER, Messrs. THANEDAR, NORCROSS, SORENSEN, VEASEY, TONKO, and HARDER of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GROTHMAN. Mr. Chair, I was delayed in a meeting. Had I been present, I would have voted ''aye'' on rollcall No. 125.

Mr. JACKSON of Texas. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted ''aye'' on rollcall No. 125.

AMENDMENT NO. 3 OFFERED BY MRS. BOEBERT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. BOEBERT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 386, noes 31, not voting 22, as follows:

[Roll No. 126]

AYES—386

Adams
Aderholt
Aguilar
Alford
Allen
Allred
Amodei
Armstrong
Auchincloss
Babin
Bacon
Baird
Balderson
Balint
Banks
Barr
Barragán
Bean (FL)
Bentz
Bera
Bergman
Beyer
Bice
Biggs
Bilirakis
Bishop (GA)
Bishop (NC)
Blunt Rochester
Bonamici
Bost
Brecheen
Brown
Brownley
Buchanan
Bucshon
Budzinski
Burchett
Burgess
Burlison
Bush
Calvert
Cammack
Caraveo
Carbajal
Cárdenas
Carey
Carl
Carson
Carter (GA)
Carter (LA)
Carter (TX)
Cartwright
Case
Casten
Castor (FL)
Chavez-DeRemer
Chu
Cicilline
Ciscomani
Clark (MA)
Cline
Cloud
Clyde
Cole
Collins
Comer
Correa
Costa
Courtney
Craig
Crane
Crawford
Crenshaw
Crow
Cuellar
Curtis
D'Esposito
Davids (KS)
Davidson
De La Cruz
DeGette
DeLauro
DelBene
DeSaulnier
DesJarlais
Diaz-Balart
Dingell
Doggett
Donalds
Duarte
Duncan
Dunn (FL)
Edwards
Ellzey
Emmer
Escobar
Eshoo
Espaillat
Estes
Evans
Ezell
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fletcher
Flood
Foster
Foushee
Foxx
Frankel, Lois
Franklin, C. Scott
Fry
Fulcher
Gaetz
Gallagher
Gallego
Garamendi
Garbarino
Garcia, Mike
Gimenez
Golden (ME)
Goldman (NY)
Gomez
Gonzales, Tony
Gonzalez, Vicente
González-Colón
Good (VA)
Gooden (TX)
Gosar
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green (TN)
Green, Al (TX)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hageman
Harder (CA)
Harris
Harshbarger
Hayes
Hern
Higgins (LA)
Higgins (NY)
Hill
Himes
Hinson
Horsford
Houchin
Houlahan
Hoyer
Hoyle (OR)
Hudson
Huizenga
Hunt
Issa
Ivey
Jackson (IL)
Jackson (NC)
Jackson (TX)
Jackson Lee
Jacobs
James
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Kaptur
Kean (NJ)
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kiggans (VA)
Kildee
Kiley
Kilmer

Kim (CA)
Kim (NJ)
Krishnamoorthi
Kuster
LaHood
LaLota
LaMalfa
Lamborn
Landsman
Langworthy
Larson (CT)
Latta
LaTurner
Lawler
Lee (CA)
Lee (FL)
Lee (NV)
Leger Fernandez
Lesko
Letlow
Levin
Lieu
Loudermilk
Lucas
Luetkemeyer
Luna
Luttrell
Lynch
Mace
Magaziner
Malliotakis
Mann
Manning
Massie
Mast
Matsui
McBath
McCaul
McClain
McClintock
McCollum
McCormick
McGarvey
McGovern
Meeks
Menendez
Meng
Meuser
Mfume
Miller (IL)
Miller (OH)
Miller (WV)
Mills
Molinaro
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Moore (WI)
Moran
Morelle
Moskowitz
Moulton
Moylan
Mullin
Murphy
Nadler
Napolitano
Neguse
Nehls
Newhouse
Nickel
Norcross
Norman
Norton
Nunn (IA)
Obernolte
Ogles
Owens
Pallone
Palmer
Panetta
Pappas
Pascrell
Payne
Pelosi
Peltola
Pence
Perez
Perry
Peters
Pettersen
Pfluger
Phillips
Pingree
Plaskett
Pocan
Porter
Posey
Quigley
Radewagen
Raskin
Reschenthaler
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Ross
Rouzer
Roy
Ruiz
Ruppersberger
Rutherford
Ryan
Salazar
Salinas
Sánchez
Santos
Schakowsky
Schiff
Schneider
Scholten
Schrier
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Self
Sessions
Sewell
Sherman
Sherrill
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Sorensen
Soto
Spanberger
Spartz
Stansbury
Stanton
Stauber
Steel
Stefanik
Steil
Stevens
Stewart
Strickland
Strong
Sykes
Takano
Tenney
Thanedar
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiffany
Timmons
Titus
Tokuda
Tonko
Torres (CA)
Torres (NY)
Trahan
Turner
Underwood
Valadao
Van Drew
Van Duyne
Van Orden
Vargas
Vasquez
Veasey
Velázquez
Wagner
Walberg
Waltz
Wasserman Schultz
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Wexton
Williams (NY)
Wilson (SC)
Wittman
Womack
Yakym
Zinke

NOES—31

Beatty
Blumenauer
Bowman
Boyle (PA)
Casar
Cherfilus-McCormick
Clarke (NY)
Clyburn
Cohen
Connolly
Crockett
Frost
Garcia (TX)
Garcia, Robert
Grijalva
Huffman
Kamlager-Dove
Keating
Larsen (WA)
Lee (PA)
Mrvan
Neal
Ocasio-Cortez
Omar
Pressley
Ramirez
Scanlon
Tlaib
Waters
Williams (GA)
Wilson (FL)

NOT VOTING—22

Arrington
Boebert
Buck
Castro (TX)
Cleaver
Davis (IL)
García (IL)
Joyce (OH)
Kustoff
Lofgren
McHenry
Miller-Meeks
Rodgers (WA)
Sablan
Sarbanes
Scalise
Simpson
Steube
Swalwell
Trone
Wild
Williams (TX)

□ 1043

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

Ms. WILSON of Florida and Mr. ROBERT GARCIA of California changed their vote from ''aye'' to ''no.''

Ms. SÁNCHEZ changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. BOEBERT. Mr. Chair, my voting card did not register my vote. Had I been present, I would have voted ''aye'' on rollcall No. 126.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 236, not voting 22, as follows:

[Roll No. 127]

AYES—181

Adams
Aguilar
Allred
Auchincloss
Balint
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bowman
Boyle (PA)
Brown
Brownley
Bush
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Casar
Castor (FL)
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Cohen
Connolly
Correa
Costa
Courtney
Crow
Cuellar
Davis (NC)
Dean (PA)
DeGette
DeLauro
DelBene
Deluzio
DeSaulnier
Dingell
Doggett
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foushee
Frankel, Lois
Frost
Gallego
Garamendi
Garcia (TX)
Garcia, Robert
Goldman (NY)
Gomez
Gonzalez, Vicente
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Ivey
Jackson (NC)
Jackson Lee
Jacobs
Jayapal
Jeffries
Johnson (GA)
Kamlager-Dove
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Krishnamoorthi
Landsman
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NV)
Lee (PA)
Leger Fernandez
Lieu
Lynch
Magaziner
Manning
Matsui
McBath
McCollum
McGarvey
McGovern
Meeks
Menendez
Meng
Mfume
Moore (WI)
Morelle
Moskowitz
Mrvan
Mullin
Nadler
Napolitano
Neal
Neguse
Nickel
Norcross
Norton
Ocasio-Cortez
Omar
Pallone
Panetta
Pascrell
Payne
Pelosi
Peltola
Peters
Pettersen
Phillips
Pingree
Plaskett
Pocan
Porter
Pressley
Quigley
Ramirez
Raskin
Ross
Ruiz
Ruppersberger
Salinas
Sánchez
Scanlon
Schakowsky
Schiff
Scholten
Schrier
Scott (VA)
Scott, David
Sherman
Sherrill
Slotkin
Smith (WA)
Soto
Spanberger
Stansbury
Stevens
Strickland
Sykes
Thanedar
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tokuda
Tonko
Torres (CA)
Torres (NY)
Trahan
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Wexton
Williams (GA)
Wilson (FL)

NOES—236

Aderholt
Alford
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bean (FL)
Bentz
Bergman
Bice
Biggs
Bilirakis
Bishop (NC)
Bost
Brecheen
Buchanan
Bucshon
Budzinski
Burchett
Burgess
Burlison
Calvert
Cammack
Caraveo
Carey
Carl
Carter (GA)
Carter (TX)
Case
Casten
Chavez-DeRemer
Ciscomani
Cline
Cloud
Clyde
Cole
Collins
Comer
Craig
Crane
Crawford
Crenshaw
Crockett
Curtis
D'Esposito
Davids (KS)
Davidson
De La Cruz
DesJarlais
Diaz-Balart
Donalds
Duarte
Duncan
Dunn (FL)
Edwards
Ellzey
Emmer
Estes
Ezell
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Flood
Foster
Foxx
Franklin, C. Scott
Fry
Fulcher
Gaetz
Gallagher
Garbarino
Garcia, Mike
Gimenez
Golden (ME)
Gonzales, Tony
González-Colón
Good (VA)
Gooden (TX)
Gosar
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hageman
Harris
Harshbarger
Hern
Higgins (LA)
Hill
Hinson
Houchin
Hudson
Huizenga
Hunt
Issa
Jackson (IL)
Jackson (TX)
James
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Kean (NJ)
Kelly (MS)
Kelly (PA)
Kiggans (VA)
Kiley
Kuster
LaHood
LaLota
LaMalfa
Lamborn
Langworthy
Latta
LaTurner
Lawler
Lee (FL)
Lesko
Letlow
Levin
Loudermilk
Lucas
Luetkemeyer
Luna
Luttrell
Mace
Malliotakis
Mann
Massie
Mast
McCaul
McClain
McClintock
McCormick
Meuser
Miller (IL)
Miller (OH)
Miller (WV)
Miller-Meeks
Mills
Molinaro
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Moran
Moulton
Moylan
Murphy
Nehls
Newhouse
Norman
Nunn (IA)
Obernolte
Ogles
Owens
Palmer
Pappas
Pence
Perez
Perry
Pfluger
Posey
Radewagen
Reschenthaler
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Ryan
Salazar
Santos
Schneider
Schweikert
Scott, Austin
Self
Sessions
Sewell
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Sorensen
Spartz
Stanton
Stauber
Steel
Stefanik
Steil
Stewart
Strong
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Valadao
Van Drew
Van Duyne
Van Orden
Vasquez
Wagner
Walberg
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (NY)
Wilson (SC)
Wittman
Womack
Yakym
Zinke

NOT VOTING—22

Boebert
Buck
Castro (TX)
Cleaver
Davis (IL)
Garcia (IL)
Hoyle (OR)
Joyce (OH)
Kim (CA)
Kustoff
Lofgren
McHenry
Rodgers (WA)
Sablan
Sarbanes
Scalise
Steube
Swalwell
Takano
Trone
Wild
Williams (TX)

□ 1047

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 232, not voting 20, as follows:

[Roll No. 128]

AYES—187

| | | |
|---|---|---|
| Adams | Frankel, Lois | Mfume |
| Aguilar | Frost | Moore (WI) |
| Allred | Gallego | Morelle |
| Auchincloss | Garamendi | Moskowitz |
| Balint | Garcia (TX) | Mrvan |
| Barragán | Garcia, Robert | Mullin |
| Beatty | Goldman (NY) | Nadler |
| Bera | Gomez | Napolitano |
| Beyer | Gonzalez, Vicente | Neal |
| Bishop (GA) | Green, Al (TX) | Neguse |
| Blumenauer | Harder (CA) | Nickel |
| Blunt Rochester | Hayes | Norcross |
| Bonamici | Higgins (NY) | Norton |
| Bowman | Himes | Ocasio-Cortez |
| Boyle (PA) | Horsford | Omar |
| Brown | Houlahan | Pallone |
| Brownley | Hoyer | Panetta |
| Bush | Hoyle (OR) | Pascrell |
| Carbajal | Huffman | Payne |
| Cárdenas | Ivey | Pelosi |
| Carson | Jackson (IL) | Peters |
| Carter (LA) | Jackson (NC) | Pettersen |
| Cartwright | Jackson Lee | Phillips |
| Casar | Jacobs | Pingree |
| Castor (FL) | Jayapal | Plaskett |
| Cherfilus-McCormick | Jeffries | Pocan |
| Chu | Johnson (GA) | Porter |
| Cicilline | Kamlager-Dove | Pressley |
| Clark (MA) | Kaptur | Quigley |
| Clarke (NY) | Keating | Ramirez |
| Clyburn | Kelly (IL) | Raskin |
| Cohen | Khanna | Ross |
| Connolly | Kildee | Ruiz |
| Correa | Kilmer | Ruppersberger |
| Costa | Kim (NJ) | Salinas |
| Courtney | Krishnamoorthi | Scanlon |
| Craig | Kuster | Schakowsky |
| Crockett | Landsman | Schiff |
| Crow | Larsen (WA) | Scholten |
| Cuellar | Larson (CT) | Schrier |
| Davids (KS) | Lee (CA) | Scott (VA) |
| Davis (NC) | Lee (NV) | Scott, David |
| Dean (PA) | Lee (PA) | Sewell |
| DeGette | Leger Fernandez | Sherman |
| DeLauro | Levin | Slotkin |
| DelBene | Lieu | Smith (WA) |
| Deluzio | Lynch | Sorensen |
| DeSaulnier | Magaziner | Soto |
| Dingell | Manning | Stansbury |
| Doggett | Matsui | Stevens |
| Escobar | McBath | Strickland |
| Eshoo | McCollum | Sykes |
| Espaillat | McGarvey | Takano |
| Evans | McGovern | Thanedar |
| Fletcher | Meeks | Thompson (CA) |
| Foster | Menendez | Thompson (MS) |
| Foushee | Meng | Titus |
| Tokuda | Vargas | Tlaib |
| Tonko | Veasey | Watson Coleman |
| Torres (CA) | Velázquez | Wexton |
| Torres (NY) | Wasserman Schultz | Williams (GA) |
| Trahan | Waters | Wilson (FL) |
| Underwood | | |

NOES—232

| | | |
|---|---|---|
| Aderholt | Gallagher | Mooney |
| Alford | Garbarino | Moore (AL) |
| Allen | Garcia, Mike | Moore (UT) |
| Amodei | Gimenez | Moran |
| Armstrong | Golden (ME) | Moulton |
| Arrington | Gonzales, Tony | Moylan |
| Babin | González-Colón | Murphy |
| Bacon | Good (VA) | Nehls |
| Baird | Gooden (TX) | Newhouse |
| Balderson | Gosar | Norman |
| Banks | Gottheimer | Nunn (IA) |
| Barr | Granger | Obernolte |
| Bean (FL) | Graves (LA) | Ogles |
| Bentz | Graves (MO) | Owens |
| Bergman | Green (TN) | Palmer |
| Bice | Greene (GA) | Pappas |
| Biggs | Griffith | Pence |
| Bilirakis | Grijalva | Perry |
| Bishop (NC) | Grothman | Pfluger |
| Boebert | Guest | Posey |
| Bost | Guthrie | Radewagen |
| Brecheen | Hageman | Reschenthaler |
| Buchanan | Harris | Rodgers (WA) |
| Bucshon | Harshbarger | Rogers (AL) |
| Budzinski | Hern | Rogers (KY) |
| Burchett | Higgins (LA) | Rose |
| Burgess | Hill | Rosendale |
| Burlison | Hinson | Rouzer |
| Calvert | Houchin | Roy |
| Cammack | Hudson | Rutherford |
| Caraveo | Huizenga | Ryan |
| Carey | Hunt | Salazar |
| Carl | Issa | Santos |
| Carter (GA) | Jackson (TX) | Scalise |
| Carter (TX) | James | Schneider |
| Case | Johnson (LA) | Schweikert |
| Casten | Johnson (OH) | Scott, Austin |
| Chavez-DeRemer | Johnson (SD) | Self |
| Ciscomani | Jordan | Sessions |
| Cline | Joyce (PA) | Sherrill |
| Cloud | Kean (NJ) | Simpson |
| Clyde | Kelly (MS) | Smith (MO) |
| Cole | Kelly (PA) | Smith (NE) |
| Collins | Kiggans (VA) | Smith (NJ) |
| Comer | Kiley | Smucker |
| Crane | Kim (CA) | Spanberger |
| Crawford | LaHood | Spartz |
| Crenshaw | LaLota | Stanton |
| Curtis | LaMalfa | Stauber |
| D'Esposito | Lamborn | Steel |
| Davidson | Langworthy | Stefanik |
| De La Cruz | Latta | Steil |
| DesJarlais | LaTurner | Stewart |
| Diaz-Balart | Lawler | Strong |
| Donalds | Lee (FL) | Tenney |
| Duarte | Lesko | Thompson (PA) |
| Duncan | Letlow | Tiffany |
| Dunn (FL) | Loudermilk | Timmons |
| Edwards | Lucas | Turner |
| Ellzey | Luetkemeyer | Valadao |
| Emmer | Luna | Van Drew |
| Estes | Luttrell | Van Duyne |
| Ezell | Mace | Van Orden |
| Fallon | Malliotakis | Vasquez |
| Feenstra | Mann | Wagner |
| Ferguson | Massie | Walberg |
| Finstad | Mast | Waltz |
| Fischbach | McCaul | Weber (TX) |
| Fitzgerald | McClain | Webster (FL) |
| Fitzpatrick | McClintock | Wenstrup |
| Fleischmann | McCormick | Westerman |
| Flood | Meuser | Williams (NY) |
| Foxx | Miller (OH) | Wilson (SC) |
| Franklin, C. Scott | Miller (WV) | Wittman |
| | Miller-Meeks | Womack |
| Fry | Mills | Yakym |
| Fulcher | Molinaro | Zinke |
| Gaetz | Moolenaar | |

NOT VOTING—20

| | | |
|---|---|---|
| Buck | Lofgren | Sarbanes |
| Castro (TX) | McHenry | Steube |
| Cleaver | Miller (IL) | Swalwell |
| Davis (IL) | Peltola | Trone |
| García (IL) | Perez | Wild |
| Joyce (OH) | Sablan | Williams (TX) |
| Kustoff | Sánchez | |

□ 1050

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. MILLER of Illinois. Mr. Chair, had I been present, I would have voted "no" on rollcall no. 128.

Ms. PEREZ. Mr. Chair, had I been present, I would have voted "no" on rollcall No. 128.

AMENDMENT NO. 9 OFFERED BY MRS. LEE OF NEVADA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Mrs. LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 364, noes 56, not voting 19, as follows:

[Roll No. 129]

AYES—364

| | | |
|---|---|---|
| Adams | Casar | Ezell |
| Aderholt | Case | Feenstra |
| Aguilar | Casten | Ferguson |
| Alford | Castor (FL) | Finstad |
| Allen | Chavez-DeRemer | Fischbach |
| Allred | Cherfilus-McCormick | Fitzgerald |
| Amodei | Chu | Fitzpatrick |
| Armstrong | Cicilline | Fleischmann |
| Arrington | Ciscomani | Fletcher |
| Auchincloss | Clark (MA) | Flood |
| Bacon | Clarke (NY) | Foster |
| Baird | Cloud | Foushee |
| Balderson | Clyburn | Foxx |
| Balint | Cohen | Frankel, Lois |
| Banks | Cole | Frost |
| Barr | Comer | Gallagher |
| Barragán | Connolly | Gallego |
| Bean (FL) | Correa | Garamendi |
| Beatty | Costa | Garbarino |
| Bentz | Courtney | Garcia (TX) |
| Bera | Craig | Garcia, Mike |
| Bergman | Crawford | Garcia, Robert |
| Beyer | Crenshaw | Golden (ME) |
| Bice | Crockett | Goldman (NY) |
| Bilirakis | Crow | Gomez |
| Bishop (GA) | Cuellar | Gonzales, Tony |
| Blumenauer | Curtis | Gonzalez, Vicente |
| Blunt Rochester | D'Esposito | González-Colón |
| Bonamici | Davids (KS) | Gooden (TX) |
| Bost | Davis (NC) | Gottheimer |
| Bowman | De La Cruz | Granger |
| Boyle (PA) | Dean (PA) | Graves (LA) |
| Brown | DeGette | Graves (MO) |
| Brownley | DeLauro | Green, Al (TX) |
| Buchanan | DelBene | Grijalva |
| Budzinski | Deluzio | Grothman |
| Burgess | DeSaulnier | Guest |
| Bush | Diaz-Balart | Guthrie |
| Calvert | Dingell | Harder (CA) |
| Cammack | Doggett | Harshbarger |
| Caraveo | Duarte | Hayes |
| Carbajal | Dunn (FL) | Higgins (NY) |
| Cárdenas | Edwards | Hill |
| Carey | Ellzey | Himes |
| Carl | Escobar | Hinson |
| Carson | Eshoo | Horsford |
| Carter (GA) | Espaillat | Houchin |
| Carter (LA) | Estes | Houlahan |
| Carter (TX) | Evans | Hoyer |
| Cartwright | | |

Hoyle (OR)
Hudson
Huffman
Huizenga
Hunt
Issa
Ivey
Jackson (IL)
Jackson (NC)
Jackson Lee
Jacobs
James
Jayapal
Jeffries
Johnson (GA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Kamlager-Dove
Kaptur
Kean (NJ)
Keating
Kelly (IL)
Kelly (PA)
Khanna
Kiggans (VA)
Kildee
Kiley
Kilmer
Kim (NJ)
Krishnamoorthi
Kuster
LaHood
LaLota
LaMalfa
Lamborn
Landsman
Langworthy
Larsen (WA)
Larson (CT)
Latta
LaTurner
Lawler
Lee (CA)
Lee (FL)
Lee (NV)
Lee (PA)
Leger Fernandez
Lesko
Letlow
Levin
Lieu
Lucas
Luetkemeyer
Lynch
Mace
Magaziner
Malliotakis
Mann
Manning
Mast
Matsui
McBath
McCaul
McClain
McClintock
McCollum
McGarvey
McGovern
Meeks
Menendez
Meng
Meuser
Mfume
Miller (OH)
Miller (WV)
Miller-Meeks
Molinaro
Moolenaar
Mooney
Moore (UT)
Moore (WI)
Morelle
Moskowitz
Moulton
Moylan
Mrvan
Mullin
Murphy
Nadler
Napolitano
Neal
Neguse
Newhouse
Nickel
Norcross
Norman
Norton
Nunn (IA)
Obernolte
Ocasio-Cortez
Omar
Owens
Pallone
Palmer
Panetta
Pappas
Pascrell
Payne
Pelosi
Peltola
Perez
Peters
Pettersen
Pfluger
Phillips
Pingree
Plaskett
Pocan
Porter
Pressley
Quigley
Radewagen
Ramirez
Raskin
Reschenthaler
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Ross
Rouzer
Ruiz
Ruppersberger
Rutherford
Ryan
Salazar
Salinas
Santos
Scalise
Scanlon
Schakowsky
Schiff
Schneider
Scholten
Schrier
Scott (VA)
Scott, Austin
Scott, David
Self
Sewell
Sherman
Sherrill
Simpson
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Sorensen
Soto
Spanberger
Spartz
Stansbury
Stanton
Stauber
Steel
Stefanik
Steil
Stevens
Stewart
Strickland
Strong
Sykes
Takano
Thanedar
Thompson (CA)
Thompson (MS)
Timmons
Titus
Tlaib
Tokuda
Tonko
Torres (CA)
Torres (NY)
Trahan
Turner
Underwood
Valadao
Van Drew
Van Duyne
Van Orden
Vargas
Vasquez
Veasey
Velázquez
Wagner
Walberg
Waltz
Wasserman Schultz
Waters
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Wexton
Williams (GA)
Williams (NY)
Wilson (FL)
Wilson (SC)
Womack
Yakym
Zinke

NOES—56

Babin
Biggs
Bishop (NC)
Boebert
Brecheen
Bucshon
Burchett
Burlison
Cline
Clyde
Collins
Crane
Davidson
DesJarlais
Donalds
Duncan
Emmer
Fallon
Franklin, C. Scott
Fry
Fulcher
Gaetz
Gimenez
Good (VA)
Gosar
Green (TN)
Greene (GA)
Griffith
Hageman
Harris
Hern
Higgins (LA)
Jackson (TX)
Johnson (LA)
Kelly (MS)
Loudermilk
Luna
Luttrell
Massie
McCormick
Miller (IL)
Mills
Moore (AL)
Moran
Nehls
Ogles
Pence
Perry
Posey
Rosendale
Roy
Schweikert
Tenney
Thompson (PA)
Tiffany
Wittman

NOT VOTING—19

Buck
Castro (TX)
Cleaver
Davis (IL)
García (IL)
Joyce (OH)
Kim (CA)
Kustoff
Lofgren
McHenry
Sablan
Sánchez
Sarbanes
Sessions
Steube
Swalwell
Trone
Wild
Williams (TX)

□ 1055

Ms. MALLIOTAKIS changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. ROY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. ROY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 226, not voting 14, as follows:

[Roll No. 130]

AYES—199

Aderholt
Alford
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bean (FL)
Bentz
Bergman
Bice
Biggs
Bishop (NC)
Boebert
Bost
Brecheen
Buchanan
Bucshon
Burchett
Burgess
Burlison
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Ciscomani
Cline
Cloud
Clyde
Cole
Collins
Comer
Crane
Crawford
Crenshaw
Curtis
Davidson
De La Cruz
DesJarlais
Donalds
Duarte
Duncan
Dunn (FL)
Edwards
Ellzey
Emmer
Estes
Ezell
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fleischmann
Flood
Foxx
Franklin, C. Scott
Fry
Fulcher
Gaetz
Gallagher
Garcia, Mike
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hageman
Harris
Harshbarger
Hern
Higgins (LA)
Hill
Hinson
Houchin
Hudson
Huizenga
Hunt
Issa
Jackson (TX)
James
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Kelly (MS)
Kelly (PA)
Kiggans (VA)
Kiley
Kim (CA)
LaHood
LaMalfa
Lamborn
Langworthy
Latta
LaTurner
Lee (FL)
Lesko
Letlow
Loudermilk
Lucas
Luetkemeyer
Luna
Luttrell
Mace
Mann
Massie
Mast
McCaul
McClain
McClintock
McCormick
McHenry
Meuser
Miller (IL)
Miller (OH)
Miller (WV)
Miller-Meeks
Mills
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Moran
Moylan
Murphy
Nehls
Newhouse
Norman
Nunn (IA)
Obernolte
Ogles
Owens
Palmer
Pence
Perry
Pfluger
Posey
Radewagen
Reschenthaler
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Santos
Scalise
Schweikert
Scott, Austin
Self
Sessions
Simpson
Smith (MO)
Smith (NE)
Smucker
Spartz
Stauber
Stefanik
Steil
Stewart
Strong
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Valadao
Van Duyne
Van Orden
Wagner
Walberg
Waltz
Weber (TX)
Wenstrup
Westerman
Williams (NY)
Wilson (SC)
Wittman
Womack
Yakym
Zinke

NOES—226

Adams
Aguilar
Allred
Auchincloss
Balint
Barragán
Beatty
Bera
Beyer
Bilirakis
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bowman
Boyle (PA)
Brown
Brownley
Budzinski
Bush
Caraveo
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Casar
Case
Casten
Castor (FL)
Chavez-DeRemer
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Cohen
Connolly
Correa
Costa
Courtney
Craig
Crockett
Crow
Cuellar
D'Esposito
Davids (KS)
Davis (NC)
Dean (PA)
DeGette
DeLauro
DelBene
Deluzio
DeSaulnier
Diaz-Balart
Dingell
Doggett
Escobar
Eshoo
Espaillat
Evans
Fitzpatrick
Fletcher
Foster
Foushee
Frankel, Lois
Frost
Gallego
Garamendi
Garbarino
Garcia (TX)
Garcia, Robert
Gimenez
Golden (ME)
Goldman (NY)
Gomez
Gonzales, Tony
Gonzalez, Vicente
González-Colón
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Hoyle (OR)
Huffman
Ivey
Jackson (IL)
Jackson (NC)
Jackson Lee
Jacobs
Jayapal
Jeffries
Johnson (GA)
Kamlager-Dove
Kaptur
Kean (NJ)
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Krishnamoorthi
Kuster
LaLota
Landsman
Larsen (WA)
Larson (CT)
Lawler
Lee (CA)
Lee (NV)
Lee (PA)
Leger Fernandez
Levin
Lieu
Lynch
Magaziner
Malliotakis
Manning
Matsui
McBath
McCollum
McGarvey
McGovern
Meeks
Menendez
Meng
Mfume
Molinaro
Moore (WI)
Morelle
Moskowitz
Moulton
Mrvan
Mullin
Nadler
Napolitano
Neal
Neguse
Nickel
Norcross
Norton
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Pelosi
Peltola
Perez
Peters
Pettersen
Phillips
Pingree
Plaskett
Pocan
Porter
Pressley
Quigley
Ramirez
Raskin
Ross
Ruiz
Ruppersberger
Rutherford
Ryan
Salazar
Salinas
Sánchez
Scanlon
Schakowsky
Schiff
Schneider
Scholten
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Slotkin
Smith (NJ)
Smith (WA)
Sorensen
Soto
Spanberger
Stansbury
Stanton
Steel
Stevens
Strickland
Sykes
Takano
Thanedar
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tokuda
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Van Drew
Vargas
Vasquez
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Webster (FL)
Wexton
Williams (GA)
Wilson (FL)

NOT VOTING—14

Buck
Castro (TX)
Cleaver
Davis (IL)
Garcia (IL)
Joyce (OH)
Kustoff
Lofgren
Sablan
Sarbanes
Steube
Swalwell
Wild
Williams (TX)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1104

Ms. CROCKETT changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. McCORMICK. Mr. Chair, I missed rollcall 130 due to distraction. Had I been present, I would have voted "aye" on rollcall No. 130.

The Acting CHAIR. The Committee of the Whole House on the state of the Union has had under consideration H.R. 347, and pursuant to House Resolution 166, I report the bill back to the House with sundry amendments adopted in the Committee of the Whole.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MALLIOTAKIS) having assumed the chair, Mr. LAWLER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 347) to require the Executive Office of the President to provide an inflation estimate with respect to Executive orders with a significant effect on the annual gross budget, and for other purposes, and, pursuant to House Resolution 166, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RASKIN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 272, noes 148, not voting 14, as follows:

[Roll No. 131]

AYES—272

Aderholt
Alford
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bean (FL)
Bentz
Bera
Bergman
Bice
Bilirakis
Bishop (NC)
Boebert
Bost
Brecheen
Brownley
Buchanan
Bucshon
Budzinski
Burchett
Burgess
Burlison
Calvert
Cammack
Caraveo
Carey
Carl
Carson
Carter (GA)
Carter (TX)
Case
Chavez-DeRemer
Cicilline
Ciscomani
Cline
Cloud
Clyde
Cole
Collins
Comer
Correa
Costa
Courtney
Craig
Crane
Crawford
Crenshaw
Cuellar
Curtis
D'Esposito
Davids (KS)
Davidson
Davis (NC)
De La Cruz
DesJarlais
Diaz-Balart
Donalds
Duarte
Duncan
Dunn (FL)
Edwards
Ellzey
Emmer
Estes
Ezell
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Flood
Foster
Foxx
Franklin, C. Scott
Fry
Fulcher
Gaetz
Gallagher
Garbarino
Garcia, Mike
Gimenez
Golden (ME)
Gonzales, Tony
Gonzalez, Vicente
Gooden (TX)
Gosar
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green (TN)
Green, Al (TX)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hageman
Harder (CA)
Harris
Harshbarger
Hern
Higgins (LA)
Hill
Himes
Hinson
Houchin
Houlahan
Hoyle (OR)
Hudson
Huizenga
Hunt
Issa
Jackson (NC)
Jackson (TX)
James
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Kaptur
Kean (NJ)
Kelly (MS)
Kelly (PA)
Kiggans (VA)
Kiley
Kilmer
Kim (CA)
Kim (NJ)
Krishnamoorthi
Kuster
LaHood
LaLota
LaMalfa
Lamborn
Landsman
Langworthy
Latta
LaTurner
Lawler
Lee (FL)
Lee (NV)
Leger Fernandez
Lesko
Letlow
Levin
Loudermilk
Lucas
Luetkemeyer
Luna
Luttrell
Mace
Magaziner
Malliotakis
Mann
Manning
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McCormick
McHenry
Meuser
Miller (IL)
Miller (OH)
Miller (WV)
Miller-Meeks
Mills
Molinaro
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Moran
Morelle
Moskowitz
Murphy
Nehls
Newhouse
Nickel
Norman
Nunn (IA)
Obernolte
Ogles
Owens
Palmer
Pappas
Peltola
Pence
Perez
Perry
Pettersen
Pfluger
Phillips
Posey
Quigley
Reschenthaler
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rouzer
Ruiz
Rutherford
Ryan
Salazar
Salinas
Santos
Scalise
Scholten
Schrier
Schweikert
Scott, Austin
Self
Sessions
Sherrill
Simpson
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Sorensen
Soto
Spanberger
Spartz
Stanton
Stauber
Steel
Stefanik
Steil
Stewart
Strong
Tenney
Thompson (PA)
Tiffany
Timmons
Titus
Tonko
Trone
Turner
Valadao
Van Drew
Van Duyne
Van Orden
Vasquez
Wagner
Walberg
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (NY)
Wilson (SC)
Wittman
Womack
Yakym
Zinke

NOES—148

Adams
Aguilar
Allred
Auchincloss
Balint
Barragán
Beatty
Beyer
Biggs
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bowman
Boyle (PA)
Brown
Bush
Carbajal
Cárdenas
Carter (LA)
Cartwright
Casar
Casten
Castor (FL)
Cherfilus-McCormick
Chu
Clark (MA)
Clarke (NY)
Clyburn
Cohen
Connolly
Crockett
Crow
Dean (PA)
DeGette
DeLauro
DelBene
Deluzio
DeSaulnier
Dingell
Doggett
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foushee
Frankel, Lois
Frost
Gallego
Garamendi
Garcia (TX)
Garcia, Robert
Goldman (NY)
Gomez
Good (VA)
Grijalva
Hayes
Higgins (NY)
Horsford
Hoyer
Huffman
Ivey
Jackson (IL)
Jackson Lee
Jacobs
Jayapal
Jeffries
Johnson (GA)
Kamlager-Dove
Keating
Kelly (IL)
Khanna
Kildee
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (PA)
Lieu
Lynch
Matsui
McBath
McCollum
McGarvey
McGovern
Meeks
Menendez
Meng
Mfume
Moore (WI)
Moulton
Mrvan
Mullin
Nadler
Napolitano
Neal
Neguse
Norcross
Ocasio-Cortez
Omar
Pallone
Panetta
Pascrell
Payne
Pelosi
Peters
Pingree
Pocan
Porter
Pressley
Ramirez
Raskin
Rosendale
Ross
Roy
Ruppersberger
Sánchez
Scanlon
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Sewell
Sherman
Smith (WA)
Stansbury
Stevens
Strickland
Sykes
Takano
Thanedar
Thompson (CA)
Thompson (MS)
Tlaib
Tokuda
Torres (CA)
Torres (NY)
Trahan
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Williams (GA)
Wilson (FL)

NOT VOTING—14

Buck
Castro (TX)
Cleaver
Davis (IL)
García (IL)
Joyce (OH)
Kustoff
Lofgren
Sarbanes
Steube
Swalwell
Wexton
Wild
Williams (TX)

□ 1114

Mr. SOTO changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOYCE of Ohio. Madam Speaker, I regrettably missed rollcall No. 131. Had I been present, I would have voted "aye" on rollcall No. 131.

Stated against:

Ms. WEXTON. Madam Speaker, had I been present, I would have voted "no" on rollcall No. 131.

PERSONAL EXPLANATION

Mr. SARBANES. Madam Speaker, due to testing positive for COVID–19 and following recommended isolation protocols, I was unable to vote. Had I been present, I would have voted "aye" on rollcall No. 125, "aye" on rollcall No. 126, "aye" on rollcall No. 127, "aye" on rollcall No. 128, "aye" on rollcall No. 129, "no" on rollcall No. 130 and "no" on rollcall No. 131.

## ADJOURNMENT FROM WEDNESDAY, MARCH 1, 2023, TO FRIDAY, MARCH 3, 2023

Mr. JAMES. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. on Friday, March 3, 2023.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## RECOGNIZING ROXANNE WATSON

(Mr. LAWLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAWLER. Madam Speaker, I rise today to recognize Roxanne Watson, a resident of the 17th Congressional District who is here in the gallery today.

Roxanne has dedicated herself to raising awareness about organ donation, serving as a patient advocate and as a transplant ambassador for Donate Life, WomenHeart, and the American Heart Association.

As the recipient of an organ donation herself, which saved her life, Roxanne has taken this issue head-on.

She has served as an advocate and volunteer with LiveOnNY for over a decade and as a volunteer with the New York Organ Donor Network, where she has used her platform to help increase the number of organ donors in Rockland County by over 15 percent in the past 20 years.

For these efforts, she has recently been recognized as a Guinness world-record holder having signed up over 13,000 individuals to become organ donors.

Roxanne Watson is a leader within our community and a role model for others, and I am honored to recognize her today on the House floor for her lifesaving efforts.

## HONORING IMPACTFUL BLACK LEADERS IN CENTRAL FLORIDA

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Madam Speaker, I rise today as Black History Month has come to a close in order to honor some of the most impactful Black leaders Central Florida has ever seen.

They blaze trails in my home State, making history by being the first Black Floridians to graduate from local schools, to serve on local city councils, run for city commissioner posts, and pass constitutional amendments.

Camille Evans, Sonya Hill, Dr. LaVon Bracy, Dr. Reverend Randolph Bracy, Commissioner Mable Butler, Dr. Alzo Reddick, Byron Brooks, Dr. Bridget Williams, Chester Glover, Denise Diaz, Representative Kamia Brown, and Barbara Chandler.

Each one of them has dedicated their lives to service in one way, shape, or form. Because of that, our State, community, and Nation are a better place.

Today and always, we celebrate their achievements and continue to honor Black excellence.

## PAYING TRIBUTE TO THE LATE STATE REPRESENTATIVE KRIS JORDAN

(Mr. BALDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDERSON. Madam Speaker, today, I rise to pay tribute to the late State representative, Kris Jordan of Delaware County, who passed away unexpectedly this weekend.

Kris and I both entered the Ohio House of Representatives—in the minority—on the same day in 2009. Kris and I both moved over to the Ohio Senate in 2011, where he would eventually serve as my vice chairman on the Ohio Senate Energy and Public Utilities Committee.

Kris will be remembered as a public servant of strong convictions. He was also a relentless campaigner, going door-to-door year-round, even when he was uncontested. This earned him the respect and admiration of a loyal following in Delaware County, a community he served faithfully in various roles for virtually all of his adult life.

Our prayers continue to be with the many loved ones that Kris leaves behind, including his three young children, Macy, David, and Everly.

## RECOGNIZING EUGENE HARMOND

(Mrs. MCBATH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCBATH. Madam Speaker, today I rise to commemorate a monumental milestone in the career of Mr. Eugene Harmond as part of our Black History Month celebrations. Mr. Harmond will soon celebrate 50 years of flight service with Delta Airlines.

Eugene Harmond was the first African-American male flight attendant hired by Delta Airlines in 1973 at a time when there were very few male flight attendants and even fewer men of color in the industry.

I served as a flight attendant for Delta Airlines for 30 years, and I would convey my profound gratitude and respect to Mr. Harmond as he marks 50 years of flight service this year.

Our commitment to kindness, caring, and safety instilled towards all those we serve always stays with you. I am honored to have Mr. Harmond, his wife, Loreine, and their daughter, Lokie in the House Gallery today.

From a former flight attendant and on behalf of the thousands of Americans you have served, congratulations and thank you.

The SPEAKER pro tempore. Members are reminded not to refer to occupants in the gallery.

## SPEAK SOFTLY AND CARRY A BIG STICK

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Madam Speaker, South Africa's Government has recently adopted a worrying path highlighted by its refusal to clearly oppose Putin's war of aggression in Ukraine and its shameful decision to host Russia and China for naval exercises on the war's anniversary.

I am a combat veteran. I have participated in both war games and war. Make no mistake, one is intended to prepare for the other.

In hard times it is easy to be seduced by the siren song of isolationism. Allowing vacuums of American influence around the world to be filled with Chinese yuan and Russian lies is a threat to our American economy and security at home.

We must speak softly and carry a big stick. And with our big stick, we must eliminate safe havens for terror organizations in Africa that would metastasize into direct threats to America in the Western Hemisphere; ensure that American-made goods both catalyze economic growth at home and help reduce long-term aid dependence in Africa; and eliminate slave labor in our battery supply chains starting with minerals stripped from Africa on the backs of Black children.

In a world where America is no longer the only choice, we must return to being the most desirable choice. It is in our vital national interest to ensure that when nations like South Africa have a choice between China or the United States of America, they will always choose America first.

## HONORING THE RADIANT RAYS PROGRAM

(Mr. DAVIS of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of North Carolina. Madam Speaker, I rise today on behalf of eastern North Carolina.

Today begins the start of Women's History Month. And I would take this time to acknowledge a group of young women who represent the best of eastern North Carolina.

During my Live the Dream Down East tour, I had the pleasure of visiting the Radiant Rays program at the Center for Energy Education in Roanoke Rapids.

The program allows students to visit colleges and corporate renewable industries while working with teachers and industry professionals to extend knowledge beyond classroom walls.

I was honored to spend time with the students of this program who emphasized why representation matters.

Madam Speaker, we must do all that we can to empower young women and girls to pursue STEM-related career paths. I will continue fighting to ensure the next generation of women, like our Radiant Rays, have the tools they need to thrive in the East.

## FAIRFIELD FALCONS GIRLS BASKETBALL 3A CHAMPIONS

(Mr. YAKYM asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. YAKYM. Madam Speaker, I rise today to highlight and celebrate a very special group of Hoosiers.

Over the weekend, the Fairfield Falcons girls basketball team out of Goshen, Indiana, captured the 3A State title for the first time in school history.

The Falcons 49–42 win over Corydon Central in Indianapolis was exhilarating and extra special as it marked Fairfield's first State trophy in any sport.

We have all heard the maxim, ''defense wins championships,'' and for the Falcons it turned out to be true.

All season long the Falcons' defense was downright stingy, allowing the fewest points per game out of any team in Indiana. But it wasn't only because of their defense that the Falcons are celebrating. In particular, Head Coach Brodie Garber credits four senior girls he is graduating for consistently providing leadership and mentorship needed for his team to take on the title.

Congratulations to Coach Garber and all the Falcons—both players and staff—on bringing home the hardware.

Thank you for making Hoosiers in Goshen and beyond so incredibly proud.

God bless you, and God bless America.

## TRAIN DERAILMENTS ACROSS NORTHERN OHIO'S CORRIDOR

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, the latest disastrous Norfolk Southern train derailment in East Palestine, Ohio, traveled through my district before its crash.

Unfortunately, this follows another dangerous derailment last October in Sandusky, Ohio—in my district—at the busy Columbus bridge overpass.

One half year later, it is clear that Norfolk Southern repairs have seriously lagged at this main artery into Sandusky, Ohio. Rail companies have failed to restore this vital main artery into the city of Sandusky, Ohio.

In a year where Norfolk Southern's rail barons brought in—get ready—$3.27 billion in profits, the companies ought to invest in the necessary safety protocols and immediate repairs to prevent such disasters from happening again across northern Ohio's busiest corridor.

The current and long-term health and safety for rail workers, for residents of communities in East Palestine and Sandusky must be America's top priority. America cannot allow rail chieftains to exploit communities and working people's safety while in turn padding their own pocketbook with billions of dollars of money.

The time to change course in rail safety is now.

□ 1130

## HONORING MORRIS BUTLER

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Madam Speaker, I rise today to honor the life of Darien Councilman Morris Butler who passed away last month.

Mr. Butler served on the Darien City Council for 3 years where he will be remembered as a kind man and as a man who would always fight for what he thought was right.

My thoughts and prayers are with his wife, Debra, his five daughters, and his 10 grandchildren.

Mayor ''Bubba'' Hodge remembered Councilman Butler for his warm smile, his love for his family, and his love for people in general.

The mayor said that he always felt warmth when he was around Councilman Butler and now feels a void without his presence.

This is a trying time for the people of Darien as this is the second councilmember that they have lost due to death in the last month, but I know that the memory and the legacy of both of these councilmembers, especially of Morris Butler, will not be forgotten.

Our thoughts and prayers are with Mr. Butler and his family.

## DENOUNCING ABHORRENT REMARKS

(Ms. LEE of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE of California. Madam Speaker, last week, one of our colleagues from across the aisle made very ignorant comments and questioned Representative JUDY CHU's loyalty and service to this country.

These claims were baseless, discriminatory, and flat-out wrong. As one of his own Republican colleagues said, these types of troubling comments are out of bounds and, yes, beyond the pale.

Questioning Congresswoman JUDY CHU's loyalty to the United States purely based on her Chinese heritage is not only racist and xenophobic, it is very dangerous, and it is not new.

Dr. Martin Luther King, Jr., was subject to baseless accusations of being a communist by J. Edgar Hoover. These same harmful bouts of hateful misinformation have been cast on myself, Congresswoman ILHAN OMAR, and other women of color in Congress. It is despicable.

Madam Speaker, hate speech leads to hate violence. We must clearly and strongly denounce this kind of rhetoric, especially during a time when our AAPI community continues to be a target of hateful aggression against the country.

Congresswoman CHU has been a steadfast warrior for constituents in her district, the AAPI community, and for all marginalized communities she has worked for across our country. She is a great patriot.

To question her service and loyalty to the United States is shameful and unacceptable.

## RECOGNIZING INDIANA HIGH SCHOOL BASKETBALL

(Mrs. HOUCHIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOUCHIN. Madam Speaker, this Saturday was a big day for basketball in Indiana. Let's be honest: Every day is a big day for basketball in Indiana.

Nonetheless, this weekend, the girls' basketball teams throughout the State went head-to-head to compete for the Indiana High School Athletic Association State championship.

I am proud to share that not just one but two southern Indiana high schools brought home State titles for the Ninth District.

First to play was the Lanesville Eagles girls' basketball team. They walked away from the game with the school's first-ever IHSAA Class 1A State championship title.

The Eagles continued their firsts as senior Linzie Wernert was named the first athlete in Lanesville history to win the 2023 Patricia L. Roy Mental Attitude Award.

Next up on the basketball court was the Bedford North Lawrence Lady Stars basketball team. They won the game with the IHSAA class 4A State championship title for the fifth time.

Again, only adding to their success, senior Karsyn Norman was named the 2023 recipient of the Patricia L. Roy Mental Attitude Award.

Both teams left their hearts on the basketball court and represented their hometowns well. I join all Hoosiers across the district in saying congratulations. Their dedication to the sport helps make Indiana the best basketball State in the country.

## HONORING BRANDON COX

(Mrs. LEE of Nevada asked and was given permission to address the House for 1 minute.)

Mrs. LEE of Nevada. Madam Speaker, I think all of us Members of Congress can agree on one thing; that one of the greatest joys of being a Member is knowing the great men and women who work for us day in and day out. These men and women also dedicate their lives to serving others and serving our country.

Today, I honor one such man, my former chief of staff, Brandon Cox, who as of Friday will be moving on to bigger and better challenges.

I first met Brandon 8 years ago as a staffer for my campaign, and I saw a confident young man who knew politics better than anyone, worked harder than anyone, had a memory for details

that is unmatched, and who demanded excellence from himself and others.

Brandon has been an accomplished manager, first of my campaign and for the last 4 years, of my entire congressional staff.

When you are elected as a freshman, you are often advised to not hire your campaign manager as your chief, but I did not listen, thankfully.

I knew I needed someone who knew Nevada's Third Congressional District, who always had my back, who knew me, and knew how to get things done. My office was better for it, but most importantly, my constituents were better for it.

Brandon, it has been a good run. Wishing you all the best.

## 106TH ANNIVERSARY OF PUERTO RICO'S U.S. CITIZENSHIP

(Mrs. GONZÁLEZ-COLÓN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GONZÁLEZ-COLÓN. Madam Speaker, today I rise to celebrate the 106th anniversary of the people of Puerto Rico being granted their U.S. citizenship.

Puerto Rico became a U.S. territory in 1898. In 1906, President Roosevelt called on Congress to confer U.S. citizenship to Puerto Ricans. On March 2, 1917, the Jones Act was signed into law.

We are proud American citizens, and we are proud of the contributions we have made to this great Nation. More than 235,000 Puerto Rican servicemembers have served and have fought in every military conflict that our Nation has had since World War I.

However, although we are U.S. citizens, the Federal Government often treats us unequally. I live on the island, and I can tell you that we no longer want to be treated differently.

We want the same rights and responsibilities as our fellow citizens in the States, which can only be achieved with statehood.

Like Congress acted 106 years ago to grant us our cherished American citizenship, Congress has an obligation to act again and make us a permanent part of the Union as the 51st State.

## CELEBRATING WOMEN'S HISTORY MONTH

(Mr. ESPAILLAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPAILLAT. Madam Speaker, I rise to honor women in America and abroad by commemorating Women's History Month.

Today and always, we honor the brave, courageous, and fearless women who have made this Nation so great; to name a few: Rosa Parks, Harriet Tubman, Delores Huerta, Celia Cruz, the hidden figures such as Mary Jackson and Katherine Johnson, and most recently, Madam Speaker Emerita NANCY PELOSI, who was the first woman to serve as Speaker of this House.

From the women in leadership roles on my staff who help respond every single day to the needs of my constituents, to the women who tirelessly uplift our families and our communities, we cannot imagine a world without the leadership of women.

It fills me with great pride to represent a district that is over 52 percent female. Women get things done—period, and they do it better than us men.

Happy Women's History Month, Madam Speaker.

## CELEBRATING WOMEN'S HISTORY MONTH

(Mrs. MCCLAIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCLAIN. Madam Speaker, I rise today to celebrate the month of March as Women's History Month. This is a time dedicated to recognizing and honoring the women throughout American history who have helped shape our Nation.

Let me be clear: I do mean Women's History Month. Women have been fighting for over a century for our right to vote, our right to be heard, and our right to have a seat at the table.

Now, the woke left is claiming that instead of celebrating women this month, we should be celebrating birthing people.

Well, last I checked, the only person who could actually give birth was a woman, but let's not let the facts get in the way of a good story.

They claim the phrase ''woman'' is offensive to trans women, and because of that, we should choose a more inclusive phrase.

Well, let me just say: I will be celebrating Women's History Month. I will not celebrate the woke left forcing the rest of America to call a man a woman, especially when these men are actively threatening women's rights by demanding to be allowed to compete in sports against biological women like Riley Gaines.

So congratulations to all the women.

## RAIL SAFETY REGULATIONS

(Mr. LANDSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDSMAN. Madam Speaker, I rise today in support of the folks in East Palestine, Ohio, and for bipartisan congressional action on 21st century rail safety regulations.

On February 3, 38 train cars derailed in East Palestine, Ohio; 11 of them carrying highly explosive material. There was a massive explosion, and the community has been reeling ever since.

Congressman BILL JOHNSON pulled the entire Ohio delegation together, Republicans and Democrats, to ask FEMA for additional action.

FEMA's response: Full aid will be provided, and teams are on the ground to help now.

While Norfolk Southern will be responsible for making East Palestine whole, we must now act to ensure this never happens again.

Congress, all of us, Republicans and Democrats, need to pass a bipartisan package that ensures safety from the wheel bearings to the brakes, from the detectors to the placards, for more frequent and comprehensive inspections to clearer communications with our communities.

We must do this for the folks in East Palestine, for Cincinnati and southwest Ohio, and for every community in this great country of ours.

## HONORING STEWART MCNALLY

(Mr. MILLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLS. Madam Speaker, I come to the floor today to honor Stewart McNally, a United States Army veteran who sadly passed away last summer.

Before he began his honorable service in the United States Army in the late 1960s, Stewart was the captain of the Arthur Hill Tech football team and went on to work at GM shortly after graduating.

He served honorably, and after his service in uniform, he came to Florida in my district to begin another kind of service, his family.

He moved to Florida's Seventh to take care of his elderly father, another civil servant, who served in the United States Army during World War II.

His friends and family remember him as a loyal friend with a great sense of humor. He loved to cycle, fish, and run in his free time.

Stewart is survived by his son, Jacob, and I am honored to help celebrate his life and incredible service to the United States of America.

## WORKERS FEEL LEFT BEHIND

(Mr. SORENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SORENSEN. Madam Speaker, I have heard from so many working families across central and northwestern Illinois who feel like they are left behind.

Big corporations report record profits while workers struggle to make ends meet. Let's remember that it was the American worker who built this country, and it was the workers coming together to bargain collectively who built a strong middle class.

The PRO Act is the most significant update to workers' rights in 80 years, and it couldn't come soon enough.

When workers have the power to stand together and form a union, they get higher wages, better benefits, and safer working conditions.

I was proud to help introduce the PRO Act, and I urge Members of Congress to pass it so we can protect the right to organize, rebuild our middle class, and improve the lives of working families in Illinois and across our great Nation.

□ 1145

## CELEBRATING NATIONAL READ ACROSS AMERICA DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to celebrate National Read Across America Day.

Tomorrow, classrooms across the country will celebrate the Nation's largest celebration of reading. On this day, we celebrate the joy reading brings to children and families, caregivers, educators, and adults alike. Reading unlocks new adventures and new ideas and brings about a world of imagination.

The day was established by the National Education Association in 1998 to help get kids excited about reading.

Madam Speaker, I want to highlight one celebration in PA–15. Students at Howard Elementary School in Centre County kicked off this celebration with the Pennsylvania State Grange.

This celebration started with an assembly to get the kids excited and will consist of a variety of events focused on reading. Perhaps the most exciting event taking place is ''Drop Everything and Read Day.'' Throughout the day, a sound will play randomly and students will be expected to drop whatever they are working on and pick up a book.

Madam Speaker, as a former Howard Elementary School student and now a senior member of the Education and the Workforce Committee, I am always happy to see our students eager to learn.

## FIRST ANNIVERSARY OF RUSSIA'S INVASION OF UKRAINE

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, a year ago, President Putin launched an unlawful invasion of the people of Ukraine, and it has changed the world, a war that has led to nothing but destruction and human atrocities.

I have seen these atrocities firsthand when I traveled to Ukraine last September—the bombing of homes, of hospitals, of schools; the impacts on innocent women and children; the deportation of families; and the atrocities go on and on.

President Putin is a war criminal. I am proud that he has sanctioned me and many of my colleagues for our support of Ukraine and for standing up for their democracy. They are standing up for our democracy, as well.

Putin thought he could divide us and Ukraine would immediately fall. He was wrong, wrong, and wrong. The Western world is united as one because freedom and democracy are worth fighting for, and that is what this is all about.

We need to continue to provide financial support to Ukraine, including fighters, tanks, ATACMS, HIMARS, what it takes for them to win this war because there is no other option.

This is the test of our time, and we must rise to meet that test at this time.

## DISAVOW NEW NUCLEAR ACCORD WITH IRAN

(Mr. SANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTOS. Madam Speaker, I rise today horrified at the reports from Iran that hundreds of schoolgirls appear to have been poisoned in the suspected attack by the Iranian Government. I cannot stand by idly and watch these women and children continue to be targeted simply because they want to live free from persecution.

Last month, I called on the President to do more than merely sanction the Ayatollah's illegal theocratic regime. The Biden administration will not respond because they are still looking to resuscitate the 2015 nuclear deal with Iran known as the Joint Comprehensive Plan of Action.

Additionally, its weakness on the world stage has the administration consumed by the war in Ukraine and recent airspace invasions from China.

We have faced decades-long failed attempts to negotiate directly with the Islamic Republic. If there is one thing that has become crystal clear, it is that resuscitating the nuclear deal no longer offers a realistic pathway for mitigating the threats posed by Tehran.

We need to stop virtue signaling and soft-pedaling with flimsy symbolic support. I call on the Biden administration to publicly disavow the prospect of a new nuclear deal with Iran.

## HONORING THE LEGACY OF JACKIE JOYNER-KERSEE

(Ms. BUDZINSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BUDZINSKI. Madam Speaker, I rise today, at the close of Black History Month and the beginning of Women's History Month, to recognize an incredible athlete and role model from Illinois' 13th Congressional District, Jackie Joyner-Kersee. I also wish her a happy birthday today.

Born and raised in East St. Louis, Jackie Joyner-Kersee is one of the best track athletes of all time, winning six Olympic medals and four World Championship track titles.

Over the course of her 12-year Olympic career, Jackie broke countless records, including the world record in the heptathlon that still stands today. She was also the first African-American woman to win gold medals in long jump and the heptathlon.

Jackie's legacy extends far beyond her athletic achievements. Just last week, I visited the Jackie Joyner-Kersee Foundation, which provides educational and athletic opportunities for young people in East St. Louis. I was truly inspired by what I saw in Jackie's commitment and work. Throughout her life, she has used her platform to be a tireless advocate for children's education, racial equity, and women's rights.

As we celebrate Black history and women's history, let's recognize incredible folks like Jackie Joyner-Kersee.

## REVERSE FUNDING FOR ELECTIVE ABORTIONS

(Mr. MCCORMICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCORMICK. Madam Speaker, the President is once again using the Department of Defense to advance the far-left agenda and pro-abortion policies.

The new policy to give servicemembers and their families paid administrative leave for up to 3 weeks and travel reimbursement to obtain out-of-state elective abortions is yet another extreme example.

The law is clear and vetted. No Federal funds are to be used for elective abortions. The military mission is equally clear: to be a lethal force to defend the innocents and to defeat those who would do them harm. This flies in the face of that mission.

I call on the President to reverse this policy, which is in violation of law and counter to the military mission.

## BORDER NEEDS MORE RESOURCES

(Mr. LALOTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LALOTA. Madam Speaker, the border is not secure. Our officers are doing everything they can, but they need more resources. They need better leadership.

The President must take the border crisis seriously because 100,000 Americans died from fentanyl poisoning last year, and we know that fentanyl is coming from China through the U.S.-Mexico border.

Republicans in the House understand this. We stand ready to increase physical barriers, to hire more Border Patrol agents and immigration judges, to implement new technologies, and to support our officers on the front lines of this crisis.

As a member of the Homeland Security Committee, I am committed to working with all of my colleagues to make sure that our country is safe, our border is secure, and our law enforcement has the tools it needs to be successful. Our great Nation depends on it.

## PRESIDENT BIDEN'S FAILED ENERGY POLICY

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Madam Speaker, the Bureau of Land Management has revised down the number of unused oil drilling applications from 9,000 to approximately 6,700. The Biden administration has been deceiving the American people to pass the buck for his failed energy policy.

The President's Green New Deal agenda has led to some of the highest energy prices for American families ever. Today, the national price of gasoline is $3.35 cents per gallon on average, or even a buck higher than that in my home State of California. On the day the President was sworn in, the price of gas was just $2.39 per gallon, nearly a dollar less.

American households are paying the highest home heating costs in 15 years. On day one of his Presidency, President Biden killed the Keystone XL pipeline project. This move cost the United States up to 59,000 jobs and $9.6 billion.

The President is currently sitting on over 4,800 pending applications for permits to drill for more energy. This administration is not serious about getting America out of these high costs of energy and this crisis.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Brian Pate, one of his secretaries.

## EXPLORING BLACK RESISTANCE

The SPEAKER pro tempore (Mrs. HOUCHIN). Under the Speaker's announced policy of January 9, 2023, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. GREEN of Texas. Madam Speaker, and still I rise. I rise today as a part of this month wherein we will honor women.

This is Women's History Month, but I am going to do something that is a little unusual, and I apologize for the encroachment upon Women's History Month that I shall engage in today. It is an encroachment because I want to extend Black History Month by 1 day, and I do so because, actually, in reality, Black history should be an everyday event.

To the women of the world, my apologies—1 day of encroachment as I speak about Black history.

Of course, I rise as a proud descendant of the enslaved people who built America, made America the great country it is, the foundational mothers and fathers. Yes, there were others here who did work, but they did it for hundreds of years without remuneration, so I rise to honor them during this Black History Month.

I rise because it is necessary and proper that we put Black history in its proper perspective, that the story be truthfully told about the history of Africans in America, because it hasn't. The truth is, we say that Black history is American history, and I agree it is. The truth is, Black history is world history. It is bigger than the United States of America. It is global in scope.

Today, however, I shall focus on Black history as it relates to the United States of America. I do believe that it is important for us to give a little bit of history on Black History Month itself.

The precursor to Black History Month was Negro History Week. This was during the second week in February. It was started in 1926 by the honorable historian Carter G. Woodson in concert with the Association for the Study of Negro Life and History, the ASALH.

Madam Speaker, this organization has endorsed this year's Black history resolution that we have. This organization is one that I am proud to associate with for guidance and instruction.

I would add that Negro History Week was founded on this week, the week that I called to your attention that relates to Black history, and coincided with the birthdays of Frederick Douglass and Abraham Lincoln.

Black History Month was first proposed by Black educators and Black United Students at Kent State University in February 1969. The first celebration took place at Kent State a year later, in 1970.

This year's theme for Black history is ''Black Resistance.'' The theme explores how African Americans have resisted historic and ongoing oppression.

My original Black history resolution has passed this House four times: first, May 12, 2007, where it was agreed upon by a voice vote; again, May 6, 2008, where it received 367 yeas, no nays, 62 persons not voting; and a third time on February 24, 2009, where we had 420 yeas, no nays, and 12 not voting. The final time that it actually passed the House was on February 23, 2010, with 402 yeas, no nays, and 30 not voting.

□ 1200

Since then, we have not been recording votes for resolutions, generally speaking, which is why we don't get a vote on Black History Month resolutions now. I am proud to tell you that for this resolution this year, we have 104 cosponsors. And I am proud to tell you that this resolution has been approved by the organization that has been sponsoring this month for many years now associated with Carter G. Woodson.

Please allow me to read some excerpts from this year's resolution:

''Whereas this resolution may be cited as the Original Black History Month Resolution of 2023;

''Whereas this resolution has been endorsed by the Association for the Study of African American Life and History;

''Whereas the theme for Black History Month 2023 is 'Black resistance,' which chronicles how African Americans have resisted oppression in all its invidious forms including: enslavement, lynching, mob violence, police brutality, Black codes, convict leasing, Jim Crow laws, lawful segregation, and invidious discrimination;

''Whereas slavery was a brutal and inhumane system that treated human beings as property and stripped them of their inalienable human rights of liberty, life, and the pursuit of happiness;

''Whereas the history of Black resistance in the United States predates the civil rights movement of the 1950s and 1960s, as it historically spans centuries from colonial slavery through contemporary invidious discrimination;

''Whereas this resolution illuminates some of the momentous recondite history of Black resistance that predates the resistance movements of the 20th and 21st centuries;''

Whereas Black resistance to slavery was a constant presence and it was persistent throughout the history of enslavement in the United States, and it took many forms, including the acts of rebellion, escape, some persons committed suicide, sabotage, litigation, work slowdowns, persons with feigned illness, misplacing or damaging tools, people would literally do anything that they could in the form of noncompliance to resist their being enslaved;

''Whereas there is historical evidence of as many as 250 instances of slave revolts involving 10 or more slaves during the history of American slavery;

''Whereas the Nat Turner and Gabriel Prosser, rebellions were two of the most significant acts of armed resistance to slavery in the United States, inspiring other enslaved people to resist and making clear the determination of enslaved people to fight for their freedom'' was something that would be persisted with;

''Whereas Gabriel Prosser's rebellion against Virginia and the United States in 1800 was a landmark event in the history of Black resistance to slavery in the United States and, although he and his followers were hanged, his bravery and leadership continue to inspire generations of activists and advocates;

''Whereas the Stono Rebellion, the New York City Conspiracy, and the German Coast Uprising are other instances of significant slave uprisings in the United States and its predecessor colonies;

''Whereas in the fight for freedom, liberty, justice, and equality the righteous resistance of many Black freedom fighters has been depreciated, downplayed, deprecated, disparaged, denigrated, disrespected, and demonized;

Whereas one such instance of depreciation in an effort to minimize the history of such a person is that of Claudette Colvin, who refused to give up her seat on a segregated bus months before the incident wherein Rosa Parks refused to do the same thing, but one person was depreciated and disrespected, the other has been noted in history as a historic and heroic person;

''Whereas Bayard Rustin, a lifelong civil rights advocate and lead organizer of the March on Washington, was nearly written out of history merely because of his sexual orientation;

''Whereas religion was a form of resistance to slavery as it allowed the enslaved to assert their humanity, dignity, and independence;

''Whereas spiritual songs were often used as a form of resistance by building community and maintaining good spirits, as a means of healing, and even to communicate secret messages;

''Whereas the song 'Steal Away' was used by Nat Turner to call people to him to discuss plans for his rebellion, and the same song was also sung by slaves who planned on escaping'' at some time that was in their immediate future;

''Whereas a song, 'Get on the Gospel Train', provided courage for slaves to escape, citing room for many people, a train available to everyone, and a promise that also alluded to the fact that both Blacks and Whites provided assistance to fugitive slaves as they traveled the Underground Railroad;

''Whereas the song 'Sweet Chariot' was said to be a personal favorite of Harriet Tubman's as it indicated to slaves that they would be escaping soon;

''Whereas the song 'Follow the Drinking Gourd' was used to remind slaves of the clues they would need to find their way north;

''Whereas those slaves who resisted their enslavement by running away were not only recaptured, punished, and returned to their torment, but also exposed in newspaper ads, which assured enslavers that all was well;

''Whereas the following is a selection of ads on captured suspected fugitive slaves run in the Montgomery Advertiser from 1849 to 1865;''

One such ad: ''Whereas John, 23, ran away from Levi Williams, and had a $25 reward offered for John's return.''

Remember, these are newspaper ads indicating that all is well because the slaves are being captured.

''Whereas George, 20, was captured in Mobile County after he had escaped from owner, James Edward Wilson in Memphis, Tennessee;

''Whereas Hannah, arrested in Pickens County, was a 75-year-old woman who was said to belong to John Smith of Lowndes County, Mississippi;

''Whereas Frank, whose age was described only as a boy, was an at-large runaway with a $15 reward for his capture;

''Whereas Lucinda, 20, was jailed in Mobile County, Alabama, belonged to Mrs. Elizabeth Hinsley of Sumter County, Alabama, and had multiple scars on her right arm.''

Remember, these are ads indicating that all is well because Blacks who attempt to escape are being captured.

''Whereas Black resistance to slavery was confronted with harsh court decisions that stripped Blacks of their human rights;

''Whereas in the 1857 Dred Scott v. Sandford decision, the Supreme Court ruled that having lived in a free State and territory did not entitle an enslaved person, Dred Scott, to his freedom;

''Whereas the Court further ruled in Dred Scott v. Sandford that people of African descent 'are not included, and were not intended to be included, under the word ''citizens'' in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States';

''Whereas in Dred Scott v. Sandford, Chief Justice Roger Taney declared, in the Supreme Court's infamous majority opinion, that Dred Scott, a Black slave, 'had no rights a white man was bound to respect';

''Whereas the Supreme Court in the 1896 case Plessy v. Ferguson embraced legal segregation, which advanced constitutional justification for laws that allowed for separate and supposedly equal public facilities for White and Black Americans;

''Whereas the Underground Railroad, led by figures such as Harriet Tubman and Frederick Douglass, played a vital role in resistance by helping enslaved people escape to freedom;

''Whereas, during the Civil War, Black soldiers made up approximately 10 percent of the Union Army, with approximately 180,000 Black soldiers enlisting to fight for their freedom and the abolition of slavery;

''Whereas despite facing discrimination and being paid less than White soldiers, Black soldiers played a crucial role in the Union's victory in the Civil War by risking and in too many instances sacrificing their lives in the fight for the freedom of their fellow'' men and women;

''Whereas the Black soldiers' participation in the Civil War was not only significant in terms of numbers, but also in terms of the impact their participation had on the fight for racial equality and civil rights, as it challenged the notion that Black Americans were not capable of fighting for their own freedom;

''Whereas the Civil War, as well as the 13th, 14th, and 15th Amendments, emanated from Black resistance to slavery in the United States;

''Whereas the abolition of slavery did not end White supremacy;

''Whereas the period between the end of the Civil War and the civil rights movement was marked by continued discrimination and oppression of African Americans, despite the abolition of slavery;

''Whereas the history of Black resistance in the United States has demonstrated that the fight for racial justice and equality is ongoing and multifaceted and that despite the massive strides that have been made in the name of justice, there are still many areas where progress is needed;

''Whereas Black activists in the United States have inspired many other marginalized communities around the world to fight for their rights and equality;

''Whereas the birthdays of Abraham Lincoln and Frederick Douglass inspired the creation of Negro History Week, the precursor to Black History Month; and

''Whereas the month of February is officially celebrated as Black History Month, which dates to 1926 when Dr. Carter G. Woodson set aside the second week in February as Negro History Week to recognize the heritage and achievement of Black Americans:

''Now, therefore, be it Resolved, this resolution may be cited as the 'Original Black History Month Resolution of 2023'.

''Recognizing and Celebrating the Significance of Black History Month.

''The House of Representatives recognizes the importance of commemorating Black History Month as it acknowledges the achievements of Black Americans throughout the Nation's history and encourages the continuation of its celebration to raise the awareness of this community's accomplishments for all Americans.''

Dear friends, this month that we just had the opportunity to recognize as Black History Month, February, is a month that we ought to do more than simply talk about the history of Black people in the Americas. This history is something that honestly has been overlooked and has been underrepresented. It truly has been disrespected, and we have to talk about it. It is important.

But we have got to do more than talk about it. We, in this Congress, must do that which we can do to demonstrate that we have respect for Black history. It is one thing to talk about the wonderful things that have been done, but it is an entirely different thing to show that we respect Black history.

Yes, having the resolution presented on the floor of the Congress is one where we are demonstrating respect. That is not enough.

□ 1215

Black history has to be respected in the sense that the people who were a part of that history are respected. To this day, we have not shown respect for the Black people who are the foundational mothers and fathers of this country.

We have not shown respect for the hands, the humble hands, that helped construct the Capitol Building that I stand in, that helped construct the White House; the humble hands that planted the seeds, harvested the crops, and fed the Nation; the humble hands that built the roads and bridges and that laid the foundation for America's bright future that it celebrates and has to this day.

The Black people who made America the great country it is have not been properly appreciated and respected. Yes, we should have Black History Month. Yes, we will continue to show these resolutions and to appreciate what happened, but we have to respect the people.

In this country, we have shown more respect for the enslavers than the enslaved. In this country, we have shown respect for the Confederate enslavers and disrespected the enslaved.

You disrespect the enslaved when you show respect for those who enslaved them. That act in and of itself is disrespect. Every statue in every city of Confederate soldiers is a way of disrespecting the people who were enslaved. It is time to honor and respect those who were enslaved in this country.

To do that, to honor them and respect them, the least we can do is what we have done for the Confederate soldiers. In this country, in 1956, we passed a resolution in the House of Representatives to give the Confederate soldiers a Congressional Gold Medal. No such honor has been bestowed upon the foundational mothers and fathers and the enslaved people who laid the foundation for America's greatness—no such honor.

If we can accord the highest medal that the Congress can award to Confederate soldiers, surely we can appreciate and respect the enslaved persons who helped make America the great country it is today.

We ought to, this Congress ought to, Democrats and Republicans ought to vote to accord a Congressional Gold Medal to the enslaved people who helped make America great, the people who suffered one of the greatest crimes ever committed against humanity, enslaved for centuries in this country. We ought to show them some respect. We ought to accord them a Congressional Gold Medal. We must do for them what we did for the Confederate soldiers.

We should not revere the enslavers and revile the enslaved. It is time to respect the foundational mothers and fathers of this country. I intend to ask all of my colleagues by way of a piece of legislation that we filed on the last day of Black History Month with intentionality. We wanted to give the entire month for persons to become original cosponsors of this resolution.

It is a resolution that would call for a Congressional Gold Medal being presented to the foundational mothers and fathers of the country. I said resolution; it is actually a piece of legislation. It would have to pass the House and pass the Senate. I believe it can be done.

I know to some people this is unacceptable. I understand there are many people who won't find favor with what I am saying. I challenge anybody to defy the truth in what I say. Defy the truth. The truth is that we have disrespected the enslaved. The truth is we have lionized the enslavers. That has to change.

Posterity has to receive a positive message about the people who built this country. This is that positive message. This message is one that will say to posterity that we want you to know that we have respect for the enslaved people who suffered their entire lives, many of them, from birth to death—babies born into slavery, grew up in slavery, lived and died in slavery—respect for their lives, suffering, and sacrifice. They should be respected.

The truth is, we have not. I want my friends to know that this piece of legislation would allow us to present this Congressional Gold Medal. The President would sign the legislation. I believe this President will sign it. There are some who wouldn't; President Joe Biden is not one of them. I would stake my life on it. If this passes the House and the Senate, I would put my life on the notion that he will sign it. I believe he will.

My prayer is that the House and the Senate will have the courage to do not just the right thing and pass this but to do the righteous thing, to show now, some hundreds of years later, the respect that we should have shown hundreds of years before to the enslaved people who worked, lived, and died without remuneration—the enslaved people also, I might add, who were demeaned. One of the greatest insults ever was that many people called them lazy. Many of the people who were doing this, mind you, were owners of slaves.

Now, you are a slave owner. You are working people for nothing at no cost to you, other than you have to maintain your property as you see it. You would call them lazy because they don't work hard enough.

Lazy? Free labor. Lazy? Built the Capitol, White House, roads, bridges; planted the crops; harvested the crops. Lazy? At no cost. What an insult. What an insult.

Here is the opportunity for us to show the respect that, through the window of the centuries, we should pass back to them and let them know that we appreciate them.

If we do this, America the beautiful will be a more beautiful America. If we do this, history will reward us with a better image of ourselves, in the sense that we will be shown as people who will recognize a transgression and do all that we can to correct it, even hundreds of years later.

The least we can do is show respect for the enslaved people who built America and helped to make it the great country that it is.

I am proud to be a descendant of the enslaved people who built this country, who helped to make it the place that I love and the place that I defend. I do love my country.

I will close with this. I want no one to assume that because I want justice and because I want righteousness to prevail that I don't love the country. I wear the flag. I salute the flag. I sing the national anthem—I stand for it.

I am that guy who loves his country, but my saluting the flag and singing the national anthem is almost inconsequential because, you see, the question is: Will I defend the person who does not salute the flag, who does not sing the national anthem, who won't stand for it and takes a knee? Will I defend that person?

The greatness of America lies in our ability to defend those who don't salute the flag. That is the greatness. The greatness is not in AL GREEN placing his hand over his heart and saying the pledge. I do it, but that is not the greatness.

The greatness is in recognizing that, in this country, you have the freedom to salute or not. I love the country. I am going to fight to defend the country.

Just as I loved my family, my mother and father loved me, and when I was wrong, there were consequences. We have to correct the wrong. We have to right the injustice.

I stand here today to say, as a proud American, I want to right the wrong, correct the injustice, and accord a Congressional Gold Medal to the enslaved foundational mothers and fathers of this country.

### REMOVING THE NAME OF RICHARD RUSSELL FROM THE SENATE OFFICE BUILDING

Mr. GREEN of Texas. Allow me to speak on another topic today. This is a topic that I have spoken on previously on this floor, and it is one, I believe, that merits consideration every opportunity I can present it to people of good will.

This topic has to do with the Russell Senate Office Building, a building that I choose not to go into because I think the name should be removed from the building. I won't go into the history of it now, but I will say this: There will be a vote at some point in the Senate to remove Richard Russell's name from the Russell Senate Office Building.

There will be a vote. At some point, I will come back to this floor and will correctly state that the name of ''Richard Russell'' has been removed from the Russell Senate Office Building.

Madam Speaker, I yield back the balance of my time.

□ 1230

## CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 118–12)

The SPEAKER pro tempore (Mrs. HOUCHIN) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides

for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13288 of March 6, 2003, with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2023.

President Emmerson Mnangagwa has not made the necessary political and economic reforms that would warrant terminating the existing targeted sanctions program. Throughout the last year, government security services routinely intimidated and violently repressed citizens, including members of opposition political parties, union members, and journalists. The absence of progress on the most fundamental reforms needed to ensure the rule of law, democratic governance, and the protection of human rights leaves Zimbabweans vulnerable to ongoing repression and presents a continuing threat to the peace and security in the region.

The actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions continue to pose an unusual and extraordinary threat to the foreign policy of the United States.

Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13288, as amended, with respect to Zimbabwe and to maintain in force the sanctions to respond to this threat.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, *March 1, 2023*.

## CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO VENEZUELA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 118–13)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13692 of March 8, 2015, with respect to the situation in Venezuela is to continue in effect beyond March 8, 2023.

The situation in Venezuela continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13692 with respect to the situation in Venezuela.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, *March 1, 2023*.

## CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO UKRAINE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 118–14)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13660 of March 6, 2014, which was expanded in scope in Executive Order 13661, Executive Order 13662, and Executive Order 14065, and under which additional steps were taken in Executive Order 13685 and Executive Order 13849, is to continue in effect beyond March 6, 2023.

The actions and policies of persons that undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets, as well as the actions and policies of the Government of the Russian Federation, including its purported annexation of Crimea and its use of force in Ukraine, continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13660 with respect to Ukraine.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, *March 1, 2023*.

## KLAMATH RIVER BASIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 9, 2023, the gentleman from California (Mr. LAMALFA) is recognized for 60 minutes as the designee of the majority leader.

### GENERAL LEAVE

Mr. LAMALFA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and submit extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LAMALFA. Madam Speaker, I appreciate the time to stand before the House here this afternoon and talk about some issues that are not only important to my district in northern California to a couple of our key industries but really, they are important to all Americans because this is a life-sustaining topic we are talking about, and that is food, energy, and shelter.

We had that in abundance in California when we were allowed to produce the things that cause those to happen.

In my northern California district we have much agriculture. We have also an amazing natural water supply and the opportunities that come with that by harnessing that water supply for food for people, for agriculture, for hydroelectric power to make electricity and keep the lights on in places like this and all over America, and to mine the minerals that we need to produce all manner of things. These come from the natural resources we have in northern California, Minnesota, and all over this country.

So we have been successful in developing them and making them real since the founding of this country.

We have fallen on hard times more recently, though, with regulations that although may be well-founded and well-minded 50 years ago have been turned on their ear and work against good management of our forestlands, the extraction of minerals we need to sustain some of the ideals we have going forward for the future, for water supply, for agriculture, and for this country that has always known plenty.

These days we are actually seeing at some points empty shelves in our grocery stores in the United States.

It reminds me of a story about the time when former Russian President Boris Yeltsin was visiting this country with President Bush 41. They had gone to Houston, I believe, to the Space Center. They had left and were driving down the road. He saw a supermarket. He hadn't been in an American supermarket before. So he wanted to just pop in randomly with the President, the then-President of Russia, to see what it looked like.

President Yeltsin was amazed by the products that we have on the shelves in American stores. Not only that, but

that people were freely and casually purchasing them, not in a frenzy like oh, this is the day the food comes in and everybody has to rush in and stand in line and rush out before it is all gone. No. People were easily coming and going and taking what they needed. They were purchasing it at the register and walking out.

There was all variety of the same kind. All of it was fresh and of high quality.

That is what the United States has been able to bring itself to over all these years, and now that seems to be in peril.

A key part of that in my home State of California is that water supply. So I will touch about upon that here in a little bit.

We have in the northern California district that I represent and also on the Oregon side, which my colleague, Mr. BENTZ, represents, above this line here in Oregon is the Klamath Basin, the Klamath River.

Now, that is a natural lake that was formed at the beginning of the creation of this planet, but also it had been enhanced about 110 years ago through a Federal project. It yielded an additional 7 feet of elevation and approximately 400,000 new acre-feet of water supply that was intended when that Federal project was built to be agricultural water.

So back in 1906 when they created it, it made possible 1,400 farms and 200,000 acres of prime ag land. Under Federal law under the Reclamation Act and State law, all the stored water—the newly created water is called stored water—in the Upper Klamath Lake which was above the natural level of the existing lake was the stored water.

Again, there are 400,000 acre-feet of new water, but despite the clear law of the Federal Government, they have been taking advantage of the farmers year after year by mismanaging the lake and shifting that clear water right as adjudicated by Oregon courts to environmental purpose, to other purpose.

The water would not exist had not that project been built and paid for over the years by the farmers in that basin.

So what do we have, Madam Speaker?

In 2022, the Federal Government even cut off water that could have gone to finish the crop year. They eliminated 50,000 acre-feet of legal and available water to farmers. The really maddening thing is that at the end of the season, there was a surplus of water in the lake above what was needed to sustain what is known as a biological opinion to sustain the fish needs in the lake as well as what had been sent down the river for salmon needs.

There was extra water. We saw it ahead of time, yet they would not yield that additional water so we could finish the crop year on some of the needed crops that are planted up there. They plant all sorts of things up in that basin.

One of them would be the potatoes that they grow up there. They needed just a couple more weeks of water supply that was available, and instead they were allowed to die off. A normal, healthy potato ended up being the size of my pinky and obviously unharvestable and unusable all because they wouldn't listen to the projections that there would have been extra water. No. They wanted to start their new water year of 2023 in 2022 on the backs of a water supply that doesn't belong to the Federal Government. It is clearly for the farmers in the basin created after World War I and World War II for returning veterans to be able to set up shop and do that.

The Federal Government made this choice. They did this during a time when prices of food were skyrocketing around the country. Consumers are seeing these prices going up and shelves becoming more bare more often than we should ever see in this country.

So what else do we see?

They are depriving the farms of water. Here is another view of the basin here. It is a little more close-up of the various sumps and wildlife areas and the farmed land there. It is kind of hard to see from this distance, but indeed it is comprehensive, and it is rather complicated. But smart people have made that work over the years.

Indeed, when the farms thrive, also the refuges thrive. So negative effects have been such that when the farms don't get the water, the wildlife refuges in the area also lose access to the water that comes through that ag system and gets to them.

In 2020, over 60,000 ducks died in the basin in that Klamath refuge due to avian botulism. I paid a visit up there to folks who were working voluntarily and through fish and wildlife to help try and bridge the gap from the water supply that wasn't there and recovering ducks. It is pretty terrible.

Here we are fishing out dead ducks from the refuge.

Down here on the bottom is one that we rescued that was really sick but that we took back to a center there where they were helping the ducks that were recoverable to recover and turn them back loose.

The picture up here shows just how ugly it is.

A thriving basin is a key part of the flyway all through the Western States, including from northern California on south. The flyway is so key toward having the type of diversity of wildlife that is enjoyed all through the Sacramento Valley, the San Joaquin Valley, and other areas of northern and southern California and Oregon for sportsmen and for everybody.

It doesn't happen when this is the policy of the Federal Government to basically take the water away from farms and the refuges.

As I mentioned, as affirmed by the courts in Oregon where the lake lies, also a portion of the basis is on my side which Mr. BENTZ and I both represent, the stored water is, indeed, owned by the farmers solely for the use of the Klamath project.

□ 1245

They have paid for it. They continue to pay for its ongoing upkeep and improvement even when they don't get the water delivered to them. Isn't that something?

It is one thing to get a bill for the maintenance and upkeep if you are getting to use the supply, getting to use the asset. They don't even get to use the asset half the time now, but they still get the bill for it. It would not exist other than for that 7-foot enhancement that created the 400,000 acre-feet.

In 2022, they were initially going to get zero water. They did find a way to increase it to 50,000 acre-feet after some late storms, which is 12½ percent of the allocation of their water right. There was extra water, as I mentioned, in the lake to be used in the basin at the end of the year above an amount that the environmental biological opinion said had to be remaining in the lake. They chose not to give it up.

In 2021, they were given 6 percent, or 33,000 acre-feet.

In 2020, after some battling, they tried to pull the pin on them early in the spring after the farmers had planted. They did end up getting 140,000 acre-feet, which is about a third of their allocation.

In 2019, which was an amazing water year in northern California and other areas, they still received 92 percent of their allocation. Pretty good by these standards, but it still wasn't 100 percent.

Downstream of that, on the complex Klamath River situation, are also four hydroelectric dams that California, Oregon, environmental groups, and others have all been conspiring for a long time to have removed. Think about that for a minute.

There is a big push in the whole country, especially in my home State of California, to convert everything to electricity for its energy source—automobiles. You are hearing the big controversy over stoves right now, kitchen stoves.

In my home State and some cities, they are really pushing getting rid of those. Now, most of the people I know who have gas stoves in their houses really like them. It is really handy to regulate the temperature, the rate with which the heat comes up on what you are cooking. You can see the flame. There is a photograph of First Lady Jill Biden using one in her own kitchen in the White House, but they want to take this away. It is going to have to be replaced by electrical appliances, electric automobiles, electric yard tools such as leaf blowers and lawnmowers.

I still chuckle at the idea that they are trying to ban gas generators in California. Think about that for a

minute. A generator is something you use a lot of times in an emergency for a home or business. There are a lot of other purposes as well for them, but a lot of people use them in an emergency when the power goes out. If you don't have a gas- or diesel-powered generator, what are you supposed to go to when the power goes out if you need to turn it on? Many hospitals, rest homes, things like that will have a diesel-powered backup generator. They are now constantly under the gun by an air quality group, even though they rarely have to use it: This is not compliant. You have to replace it or get rid of it.

When we keep banning fuel-sourced appliances like this and turn to more electrification, where are you going to get the electricity, especially in my home State of California in which the grid on any given hot day might be on the edge of shutting down?

They have arrangements with the power companies that large manufacturers have pre-agreed agreements, I will say, that they should shut down when the grid gets tough on a really hot day when the electrical load that everybody is pulling is about to break the grid. If that happens, you will have people having to shut down their businesses, shut down manufacturing, shut down a cement plant, whatever it might be due to a prearrangement because we can't keep the power supply up where it needs to be.

They don't really have replacements. That is expensive for jobs. It is expensive to stop your business. It is going to be expensive for the ratepayers to have to bear the brunt of that as well that use electricity other than those businesses. We want to convert everything to electricity, huh?

I mean, we had a last-minute intervention in the California State Legislature to extend the life of the Diablo Canyon nuclear power plant by an additional 5 years. They were slated to shut it down, two reactors, one in 2024, one in 2025. That plant alone is 9 percent of the power grid. How do you take a 9 percent chunk out of something that is already teetering on the edge of failing?

There is a similar case up here on the Klamath River with the four hydroelectric dams. One is on the Oregon side in Mr. BENTZ' district. The other three are on my side in California in Siskiyou County. They are hell-bent on getting them out. They think they have it done.

We are here to say no because we need the power supply and many other aspects of those dams that are important for the area. Indeed, the local folks have had two different measures in the county on the Oregon side and in Siskiyou County on the California side by well over 70 percent, an advisory vote saying to please keep the dams in place, that they are important. Siskiyou County voted 79 percent for that.

This course of action, of course, was based on one single study that supposedly showed that the dams are contributing to high water temperatures and reduced flows, which are causing fish populations in the river to decline, especially the salmon. This is at the same time—you have dams so deep water in them, right?—on Lake Shasta and others, Lake Almanor, I think soon Lake Oroville, they are requiring Lake Shasta to be kept deeper so the water stays colder longer into the year so they can release colder water for the fish in the fall and early winter. It is all about cold water by keeping the lake deep.

If you take these dams out that have water stored behind them, you no longer have that deeper pool of water. They are trying to blame the dams with deeper pools of water for somehow raising the temperature. I mean, both sides of the mouth on these arguments here. This all came from a master's thesis by a government employee, not peer-reviewed. It contained no in-field research.

A former EPA science integrity officer, actually during the Obama era, a man named Paul Houser, was tasked with reviewing all of these efforts for the Klamath dam possible removal. His conclusion—again, the EPA science integrity officer—said it would be the worst of all outcomes to remove these hydroelectric dams—worst outcome for a lot of reasons, including environmental.

The three hydroelectric dams are the biggest taxpayers in the county on the Siskiyou County, California, side. Removing them will cause a huge hole in the budget of an already struggling county, which has had its timber business decimated, the mining business decimated. These large landholders, these large assets, are pretty fairly lucrative for the county.

When you couple that with already expensive energy in California, and probably in a lot of the country, this doesn't make any sense because this is, you know, green renewable power. When the rain falls behind a dam, that is renewable. It doesn't require a fuel source. That is the fuel source. Yet, of course, in my crazy State, it is not recognized as renewable if the size of the power plant is above 30 megawatts. It doesn't mean anything.

We all hear about, well, we need green power. I guess that can only mean windmills and solar panels. Try to get a permit. One environmental group says, ''Hey, we want these solar panels. They are the greatest thing,'' or the windmills. The other groups, maybe rightly so, say, ''Well, if we are going to cover a thousand acres with solar panels, we can't stand by and allow that to happen.'' It might affect the desert tortoise. We know the windmills chop up birds, sometimes falcons, sometimes endangered hawks, even eagles, stuff people care about.

In addition, they are not really very reliable sources of power. Indeed, some days in California, because of an anomaly where there might be too much power coming off those grids due to the way the load is managed, they will find themselves having to pay people to take that power because they can't just easily shut it off. It is strange, strange thinking.

I am appalled that this is where we have allowed ourselves in California to be forced into by the ideal of green power.

What does that mean? Everything else becomes a peaker plant. Peaker plants got talked about a lot 20, 25 years ago in California when we had other energy crises. A peaker plant was supposed to help supplement what the grid might not be fulfilling normally. Indeed, the peaker plants are going to become the hydroelectric plants and the natural gas plants because they want to go so far and wide with solar and wind that you know you can't count on them at night or when the wind isn't blowing, or, funny enough, if the wind is blowing too fast, they have to shut the windmills down.

Our electrical situation in the State is already in peril. Removing these hydroelectric dams means about 70,000 homes' worth of power goes off the grid and a whole host of other things. It will destroy the current ecosystem habitat, including some endangered species' spawning grounds, by releasing 20 million cubic yards of toxic, some of it possibly toxic, material—indeed, silt. These dams have a lot of silt behind them that has accumulated over the years. They don't really have an explanation for what is going to happen with it or how it is going to be disposed of. They are just going to release it into the river.

If you ever hear anybody talk about turbidity from a slight action going on in the river, you have to get a permit to do the slightest thing in the river, whether it is a gravel plant or doing something to clean up the river, having to move some material because of flooding, because of silt, and other situations. It takes months and months or years to get a permit just to move a little bit of material out. They say this is okay that we are going to unleash 20 million cubic yards down the Klamath River. The turbidity makes it hard for spawning. It is hypocrisy.

One of the other effects will be lowering the water table underneath the ground or near the dams. They have helped to build up the water table. The underground water table will be negatively affected by their removal.

It will remove flood control capability that is important for the communities nearby. The dams are a good way to absorb that water supply. If too much should happen to come from a heavy rainfall, they provide flexibility.

They remove the ability to control the river and have a flush flow if you need it in order to move some material or should it be for a fish need or other things downriver. That flexibility is taken away by removal of the dams.

Of course, as I mentioned, it takes hydroelectric power capacity away

from the users of the power and those that benefit from the income from it, including the County of Siskiyou.

It will possibly cost the taxpayers of California, who, in a water bond, put forward $250 million for the tearing down of dams. This is a water bond that builds water supply, builds water storage, but had that provision in there: $250 million of California taxpayer money to help tear down the dams. The ratepayers from the utility, mostly on the Oregon side, also had to front $200 million through a surcharge on their electricity, for a total of about $450 million raised.

Magically, when they were putting forth the proposal to FERC on what it will cost to remove the dams, it came in at just under $450 million. Well, they have already wasted about $40 million, maybe up to $50 million, talking about it, so they are down to an amount of somewhere around $400 million left of that fund.

When they remove a dam, they find a lot of things that they didn't count on, including much more silt. Up in Washington, I think it was, they found triple the amount of silt that they had expected. Instead of 20 million, it could be 60 million cubic yards of silt polluting the river for how long? Who knows how long it will take. The one in Washington, I think, was only about 12 or 13 miles from where the dam is to the sea, where you would have to push the silt. On the Klamath, it is somewhere 120 to 150 miles, depending on the meander of the silt going all through that. The life cycle of the salmon is 3 years. Will there be enough salmon to make it back through this turbid water over that 3-year period to actually have the species that all the fuss is over?

This removal will diminish the value of Siskiyou County property owners by about $1.5 billion, thereby lowering the tax rolls to the county. The electrical rates will have to go up, and the power supply will be even more uncertain.

Now, speaking about Mr. Houser a moment ago and the study he made on removing the dams being the worst option, for putting out that truth, he was fired by EPA Administrator Gina McCarthy at the time.

□ 1300

I guess they didn't really want the truth out there. They just wanted one paper that they had hinged all this on since that time. The 20 million cubic yards—which might be triple of that, who knows—it is about the equivalent of one dump truck of material every minute of every day for 6 years being dumped in the river.

Now, imagine the fine if you accidentally put a little bit of silt in the river or a stream, like under Waters of the United States, for example, which we will talk about here in a minute. Imagine how you would be fined otherwise as a private party doing that.

The salmon hatcheries downstream will be destroyed as part of the removal. The salmon hatcheries that we are talking about are responsible for more smolts being raised than actually what the river has ever made.

There is a ridge under one of the dams, a natural ridge that was there that is much higher than the river level that no fish would have ever gotten over to begin with. They don't want to talk about that because they believe the fish were getting all the way up the additional 60, 70, 80 miles to Klamath Lake. Bad information.

Now they are trying to somehow cover over that in the dam destruction that they can maybe get rid of that ridge and have it act like it would have been a fish passage from the beginning of time. So it would do a lot to hurt the economy of the county, local agriculture, the flood control, many things up in that area.

There would be uncertainty when the river system would ever return to normal. It would result in, at the mouth of the river, at the ocean, underwater contamination at the Humboldt County estuary, which means basically loss of seabed life with all that material now being released with who knows what is in it.

This removal would even cause a violation of the Wild and Scenic Rivers Act. Siskiyou County's governance over water would be lost.

What are they going to do to replace the salmon with the hatchery gone?

The actual hatchery is down below the lowest dam.

Of course, there is the loss of recreation, land value, the lake time, use on those lakes, again, tax revenue to the county.

And the replacement water, where are the farmers and ranchers going to get that replacement water due to the lower groundwater status?

So there is not a whole lot of good that comes from tearing down these dams that were there for a good economic purpose and actually do have ecological pluses, as well.

So moving farther south from the Klamath Basin, our water supply in California has been enhanced in the last century by some very forward-thinking projects. The State Water Project in the 1950s and 1960s and the Federal water, known as the Central Valley Projects, in the 1930s and 1940s.

Joining me here is my colleague from central California, Mr. JOHN DUARTE, who is a farmer down there, as well as a nursery operator of many of the nursery crops that we use to grow many tree crops, vines, et cetera. So the importance of the water supply to agriculture and to the people of California from these projects is incredible.

Madam Speaker, I recognize my colleague, Mr. DUARTE, to offer whatever comments he would like to on the water supply and on how he has been treated by government in his agricultural operations down in his direction in the Central Valley, as well as the portion in my district in Tehama County.

Indeed, we have a mass amount of excellent and very valuable crops that are grown in California. Some of them Mr. DUARTE is responsible for helping other farmers to have and even grows himself. I happen to be a farmer in my real life, too. So we see the value of what is grown in California and that is imperiled by government action.

Madam Speaker, I yield to the gentleman from California (Mr. DUARTE).

Mr. DUARTE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I couldn't agree with the gentleman more. California's Central Valley, whether it be the Sacramento Valley where Doug serves and represents or the South San Joaquin Valley where I serve and represent is really where America finds its greatest abundance of its salad bowl, its fruit bowl, almonds, plant protein—walnuts, pistachios. California leads the world in production of all of these crops and it really centers right in the Central Valley.

Many of these water resources, whether north of Sacramento or south of Sacramento, share the same assets, the same infrastructure.

So after several years of devastating droughts in California that have really hurt farm families and communities up and down our district—through acts of nature greatly, but also through mismanagement of our water resources and lack of infrastructure in California—it has really cut the abundance that delivers nutrition and affordability to so many American working families who are suffering from high inflation, both the energy costs, the food costs—and in California particularly—their housing costs, because we are simply not responding to the needs of our people as we need to.

So in the last couple of days after a very, very wet season and immense hope on the part of our farmers that relief is on the way and they would get water allocations, many farmers—and Doug is in my district—received a letter from the Bureau of Reclamation.

The Bureau of Reclamation, in spite of historic rainfall, snowpack, and flooding throughout California, is warning irrigation districts, farmers and ranchers, that they may not get the water and should be prepared for reduced allocations and flow restrictions, which would threaten our food security.

Now these farmers are making plans today to plant rice, to plant tomatoes, to plant cotton, to plant vegetable crops. They are making decisions today as to whether they will invest more input into their almond production, their walnut production, their pistachio production based on what they think the market will bear for their crops when it is ready to harvest and sell, as well as what water they will have to see those crops through the growing year with.

Today, they are getting very, very disturbing mixed messages from the Bureau of Reclamation. So we should

review what some of the facts are that the Bureau of Reclamation needs to look at while warning these farmers that even in this water-abundant year they may not get their allocations.

The current capacity and water outlook at Shasta—Shasta Reservoir is a big reservoir in California. It has 6 million acre-feet of storage capacity. Currently it is at 2.7 million acre-feet with inflows of over 14,000 acre-feet a day coming in.

The Shasta Reservoir has more than 1 million acre-feet in storage this year as it did at this time last year.

The current snowpack in California—now, we are all waiting for the snowpack to come down and fill the reservoir, but we can model how the reservoir will fill based on the snowpack this year.

This year's snowpack accounts for one-third of California's water supply. The second snow survey from the Department of Water Resources was conducted on February 1. So we are waiting with anticipation with what the March 1 SAR snowpack report will bring, but we know from the precipitation events over the last month it is going to be substantially higher.

Nonetheless, the snowpack as of February 1 of this year was 205 percent of average up to that date. It contained over 33.7 inches of water or 205 percent, the average of water content, of what we normally have up to that date.

We know the daily snow center report of February 28 per the California Department of Water Resources shows the snow water equivalent at each of the reporting stations feeding into the Sacramento River, which supplies Lake Shasta, all of these stations are over 100 percent of normal snow water content.

Throughout California in the same report, there are 131 stations with all but four reporting a snow water equivalent percentage higher than 100 percent of normal.

At Mount Shasta, which feeds the Central Valley Project's largest reservoir, Shasta Lake, the 2023 snowfall is 202 percent higher this far into the winter with 97 inches of snowfall recorded. And as of February 27 of this year, just yesterday, Mount Shasta had received approximately 60 inches of snow in the past 3 days. That is 5 feet on top of the snowpack they already had.

Yet, California farmers' food producers, the champions of abundance, are being told to keep their powder dry, not to expect full water deliveries this year.

Now, apparently we still don't have enough water infrastructure in California, even with Shasta filling up, even with the snowpack set there to completely fill and top up our reservoirs throughout the State, even after the State failed to pump the delta and get the floodwaters taken out of the Central Valley, out of the delta and into storage south of the delta earlier this year, we are still going to be topped up and farmers cannot expect full allocations of their water this year.

We need to be building dams. We need to be building reservoirs. We don't need to be tearing them down. And what Congressman LAMALFA has presented here today is an absolute insult to every working family in America who is having trouble affording the nutrition on their dinner plate that they could better afford just a few short years ago.

This is going to be the first generation in American history—my prediction—where we will see the diverse nutrition of produce and protein taken off the American working family's dinner plate and reverting American families to more starch-based diets that go in the opposite direction of what every health nutritionist tells us we need to be doing with American food plans.

So abundance is affordability. We need a pro-human attitude towards our energy policies, towards our water policies, and towards our food policies here in America.

I hope that the bureaucrats at the Bureau of Reclamation will listen to Congressman LAMALFA today and heed his warning, because the American working family cannot take any more of this inflationary abuse of our Natural Resources.

Madam Speaker, I thank the gentleman from California (Mr. LAMALFA) for yielding. I am glad to be here today.

Mr. LAMALFA. I am certainly glad you could join us. You made it as a Member of Congress because you have a great story to tell as a Representative and as a farmer, also.

So we do have amazing abundant water in Northern California this year where so much of it emanates and ends up taking care of our part of the State and other parts of the State, as well.

Shasta and Oroville—Oroville, I believe will fill this year. It didn't look like that maybe a little while back, but it holds 3.5 million acre-feet of capacity. It has a good chance of filling.

Lake Shasta is a little lagging behind that. With the snowpack we are looking at, it could top off. It holds 4.5 million. It, combined with the proposed Sites Reservoir project downriver, would get us that 6-million number.

But we have to build Sites Reservoir. It has been looked at for many, many years. It has been planned. The voters of California passed a bond.

Remember the one I talked about a while ago that is going to use $250 million to tear out dams?

Well, it also puts forth a good amount of money to add to water storage.

So the Sites Reservoir has been able to corral around $950 million of that $4 billion or $5 billion bond. The rest is going to other projects, it looks like.

So we need to get this done. We need Governor Newsom, who expressed his support for it, to get his bureaucrats to move on that and get the permits approved so we can start. If we had it this year, we would have had that dam nearly full at Sites Reservoir with all the amazing water that we have had. So it is an issue of planning ahead, like those before us used to do when they built the Central Valley Project, largely Mount Shasta, and the State Water Project, Oroville, and others. Folsom Lake near Sacramento, it should fill up pretty rapidly this year with the snowpack.

So we are doing pretty good. I have to give credit where it is due. Thank you to the BOR for some of the settlement contractors, particularly in my area, that did get 100 percent allocation. So they did right on that, based on how things were looking with the supply, but that is a narrow group.

When Mr. DUARTE talks about others that traditionally have grown 100 percent of their acres in normal-ish years, they have seen their permanent new normal is going to be 35 percent on a good year, perhaps. That isn't right. If we plan ahead and build the storage we need, which we know we can, we have done it, and the plans are out there to do that.

And when the delta pumps that he spoke about weren't run at max capacity to help fill another reservoir, known as the San Luis Reservoir, towards the west side of the central part of the valley, that facility holds 2 million acre-feet. Right now I think it is at about 75 percent full.

It wasn't looking so good a while back until we had Mother Nature bless us with so much. But see, they weren't running the pumps as hard as they could. They have other biological opinions that say, Well, you can't do this. You can't do that.

You have so much water in there, I don't know see how it is going to negatively affect the fish except if somebody is waving a document saying, No, you can't do that.

So we have to flush so much water through the delta that we could be capturing and not hurting a thing by running those two sets of pumps, one Federal and one State, and topping off the San Luis Reservoir.

Now, my neighbors might say: Well, Doug, what do you care about San Luis Reservoir for? It is way down past us. It can't possibly help us.

Well, the more we enhance the supply of the whole State, the better off we all are.

I want my neighbors down there to do well. I want my neighbors on the west side of the valley that got zero water, the west side of the Sacramento Valley, basically many, many acres had zero.

Some of the districts I mentioned had up to 18 percent, which in some cases wasn't even usable to them. So we saw dry fields like we had never seen.

□ 1315

So we saw dry fields like we have never seen; never seen. That ruins the

economies of small towns. It ruins the habitat for the flyways, I mentioned, coming out of the Klamath. There is no downside for having more water supply.

I just saw recently where the City of Oakland has approved 25,000 new homes, okay. Well, California does have a housing crisis; we need homes, but where is that water supply going to come from?

We will need approximately 12,500 acre-feet per year to sustain that amount of homes, if my numbers are right. Where is that going to come from? Magic?

They are going to have to take it from somewhere. We need to build the supply so we can continue to build the housing we need in the State.

JOHN, we have both experienced this in different parts of the State. We both see that what we are growing here is, indeed, valuable.

These crops that we are talking about here, the country relies on them. Many of these crops, 100 percent, 90 percent, 99 percent come from California.

If we don't have this water, then United States citizens don't have this food. It will have to be imported, or they will have to do without.

They will have to eat something else. Well, there isn't always something else if we are not planning for that.

So it isn't just about California and just a few farmers; it is about everybody.

Tell them about what you had to deal with on just trying to keep your operation going on a wheat field or an orchard or what have you.

Mr. DUARTE. So it is interesting at times to understand some of the investigations and things that we need to write new laws for, or we claim we need to write new laws because one politician does this or his son does that.

We can't possibly need new laws to prosecute some of this corruption. I was prosecuted for planting wheat in a wheat field during a global food crisis.

My family purchased a property up in Tehama County, in Congressman LAMALFA's district and planted wheat where wheat had been grown many times before.

The Army Corps of Engineers thought we were doing something different. The field agent drove by and gave it a windshield test and said, hey, you are deep ripping.

You are not cultivating 4 to 7 inches deep; you are cultivating 3 to 5 feet deep. No, we are not. Come out and look at it.

Wouldn't come out, wouldn't look at it, wouldn't take our invitation. Next February, he files a cease and desist order and tells us we can't harvest our crop of wheat.

We asked for a hearing. The Army Corps of Engineers didn't have time to give us a hearing; barely had time to drive by and look at what they thought they saw out the windshield.

The Pacific Legal Foundation, a pro bono civil rights law firm for many, many property owners and clients around America, representing the Sackett and the current WOTUS cases at the Supreme Court, took up our case as a due process Fifth Amendment case. They can't tell you you can't farm your land without giving you a hearing.

Well, once that case started to progress forward, the Army Corps of Engineers went to the Department of Justice, and my family and I were prosecuted for planting wheat in a wheat field by the Department of Environment and Water of the Department of Justice under the Obama administration.

We ended up never getting a trial. We were found guilty by an Obama-appointed judge in summary judgment. Without a single day in court, we were found to have violated the Clean Water Act because our tillage implement lifted soil several inches and moved it laterally several inches while nearing a wetland; a wetland vernal pool that had been farmed many times before with the same farming systems we employed.

So America's food system is not only at risk because of water scarcity politics here in California or overregulation.

America's food system is at risk because we have regulatory agencies waiting with bated breath to prosecute any American farmer that stands up for their property rights, their right to farm, their right to produce food for American families.

It is a huge risk. Farmers all over America are making decisions to avoid these entanglements, avoid a fight, not farm, unless prices are incredibly high because it is just not worth it.

Add in the risk of water supply, add in the risk of inadequate infrastructure, add in the risk of arbitrary bureaucrats making decisions right up until the last minute that affect our ability to plan our farming even for the next year, and our food supply in America is in peril.

It is absolutely unquestionably in peril, and we see it reflected in every grocery store across America today. The food inflation is crushing working families in America.

Abundance is affordability. Until we become an abundant society and we understand the farmers, the energy producers to be the champions of abundance, and the regulators, the NGOs that would stop abundance any way they can to be the lords of scarcity, American working families are going to pay the cost at the gas pump.

They are going to pay the cost on their heating bill. They are going to pay the cost at the grocery store. They are going to suffer the housing inflation we have seen in California.

In California, a working family is spending 30 percent of their income on food and 33 percent of their income on housing.

There is nothing left for the other expenses they have in their lives, and this is all due to regulatory overload.

We are overburdened by regulations, we are overburdened by restrictions on what we do, and the American working family is paying for it every day.

So thank you, Congressman LAMALFA. Thank you for being a champion of abundance. Back in 2015, 2016, and 2017, we were having our battles.

Thank you for being here today. You are a friend of not only the farmer; you are a friend of the American working family and affordability and nutrition across the country.

Mr. LAMALFA. Mr. DUARTE, I appreciate you bringing this sad story forward; indeed, being regulated for practices that are normal practices that are supposed to be exempt under the Clean Water Act, which was formed in the early 1970s, that were reinterpreted under the Obama administration.

They decided to reinterpret, and now it is a wider scope. We are having this battle right now in the Committee on Transportation and Infrastructure, this conversation where we are going to do a Congressional Review Act on the overreach of the regulation of waters of the United States, WOTUS. It is going to be in the Supreme Court soon.

So it is important we get back to a level of regulation that is reasonable. Nobody wants to skirt reasonable environmental laws, reasonable usage of water, all of the above. We all get that.

But the bureaucracy, as JOHN was saying, is just waiting to pounce upon you and level huge fines at people.

He is not the only one in Tehama County that has faced this. I had one grower—this is some years ago—that had a clover field that he wanted to relevel.

They showed up there and said, oh, you can't do this. They took at least 3 years, 3 crop years he didn't get to use his land, while the bureaucracy pontificated whether he was doing something right or wrong.

I mean, he is owed compensation for that. And others, for planting an orchard, changing their ground from one type of orchard to another.

That is somehow now a new regulatable situation that is not meant—Congress would not have had the guts to pass a Clean Water Act that did not have agriculture exemptions as it was written.

If they had not had those exemptions, there would have been a whole bunch ridden out of here on a rail had they been that abusive of farm policy and agriculture and the food supply.

Yet, they are getting away with it by a stroke of the pen by a bureaucracy, and it changes with administration.

President Trump, he saw they were wrong on this, and they were able to put through a modified policy on waters in the United States that actually was working and was reasonable, and Biden pushed it right out.

So this is what we face now; his agencies are pushing this. Waters of the United States: It means every drop of water that falls from the sky is under the jurisdiction of the United States.

Whether it is a puddle here—he talked about vernal pools that might hold some water here for a little while; that is going to become water of the United States.

There used to be a term known as navigable waterways, navigable rivers. Well, if you can't run a boat up and down it, it is probably not really navigable.

But they have expounded upon this definition so far and so wide that it works for the bureaucracy to be able to attack growers, to attack landowners, fine them, seize things from them.

So the American people should be outraged by this because farmers are just trying to provide. Madam Speaker, 99 percent of them are doing things correctly.

Yeah, you have your outliers that try and do things on the edge, but they are caught up with pretty soon, whether it is peer pressure or the reasonable regulations that should kick in.

They are trying to provide good things for the American people. They are made to feel like criminals. They are made to feel like why should I even bother?

So back in the 1970s, it was kind of popular to say after the oil embargoes, if you like imported oil, you will love imported food.

Do we want to really rely on some of our same overseas partners for our food supply? Can you imagine trying to—Russia has grown a lot of wheat in the past. Do you want to buy Russian wheat?

Ukraine, which is a good partner—it is part of the difficulty of wrestling with that situation. Ukraine is a major exporter of many agricultural crops and fertilizer.

Heck, somebody I know had a breathing apparatus that was only made in Ukraine. They had to wait a long time to get parts for it.

So do we want to be reliant on foreign sources for everything, China for pharmaceuticals? Well, we shouldn't put our food supply in that situation either.

We are on the road to do that due to lack of foresight, due to lack of water storage. We could be building Sites Reservoir, 1½ million acre-feet.

We need to keep chugging water into the San Luis Reservoir, which holds 2 million acre-feet. We could raise Shasta Dam 18 feet, which would yield 630,000 more acre-feet.

This is a representation of the water that was wasted during this winter, being allowed to run out the delta.

This is a snapshot in time here. You have got the upper delta running out into the ocean here; 6 million acre-feet during that snapshot in time. What are we doing here? We are not helping ourselves.

The economy is in a tough way, as Mr. DUARTE mentioned. The costs for struggling families, for their housing costs and their food costs, almost envelops everything else.

So where is the compassion for the American people on this? We seem to be focused on a lot of other things. There are environmental issues that are brought up but show me where it actually is going to help the fish in the Klamath River. It isn't.

A lot of these other environmental issues, it doesn't really—since 1992, we have flushed hundreds of millions of acre-feet out to the ocean through the delta.

The Delta smelt is almost nonexistent now. They can't find it. When they do trawls for it, they cannot find it.

So it is almost like more water has actually harmed that fish. They have other predatory fish that are nonnative that are eating up all the salmon smelts there.

We don't do the right things about it. We do the wrong things. It penalizes good, honest, working people that are only trying to provide good things for the American people.

So, John, we have to keep telling the story because a lot of folks are just not quite understanding. They don't have time. They are too busy in their lives.

So for those that are viewing this today, I hope you will take this to heart and have your representatives do things that are going to help our food supply in this country and help farmers, help people that generate electricity.

On these environmental issues, you only seem to hear one side of it. No, those dams are not bad. Dams are actually created for a good purpose.

They don't yield the fish passage that is sometimes advertised. There are other remedies for that, but they are not allowed to come to the forefront. Can we build fish ladders around the dam?

Heck, in some cases, they are trucking fish from here to there because of drought situations. So why don't we have alternatives to these ideas?

This gets into a very important topic in my area too: forestry. We have overgrown forests that instead of a healthy 50 to 70 adult trees per acre, they will have 500, 600, even 1,000 trees per acre.

So what does that mean? Well, fire danger, big time. In my district, there is fire after fire. Last year in 2022, we kind of dodged a lot of bullets there.

In 2021, we had a million-acre fire. I have got the poster of it here. You have seen it before. Anyway, it is devastating toward the landscape, toward the habitat, and also affects the water supply because all this ash and silt washes into the water system and pollutes it.

It makes hydroelectric plants sometimes unusable because there is so much stuff that came down from the mountainside into the rivers, into the lakes.

We are not managing our forests properly. There is a Federal nexus to that; the U.S. Forest Service. The pace and scale at which they are doing things is way too slow to keep up with the amount of board feet that they are growing every year.

So how does that affect water? It affects not only water quality but water supply because the forest is sucking all the water in to have too many trees per acre.

What, you want to cut all the trees, Mr. LAMALFA? That is what I hear sometimes when I talk to the urban reporters on it.

No, we are not cutting all the trees. We are thinning. We are managing. We are having the amount of trees per acre at a ratio that is sustainable, that is healthy, and we are not doing that.

The trees are out there growing right now. There are manyfold more board feet of trees that are being added to the supply every year than we are even coming close to harvesting, so that shows we are going backward on that.

That shows we are going backward on that.

□ 1330

The pace and scale with which we manage our Federal lands and allow the permitting on private lands to not cut every tree from here to Oregon, but to manage them—that is the first thing the environmental groups yell. ''Oh, you guys are going to clear-cut everything. You are going to devastate the landscape.''

Do you think what is happening now is good? A million-acre fire—several of my towns don't exist anymore in northern California. Many have heard of Paradise. Maybe you have seen some of those videos where 95 percent of that town burned down, and 85 people lost their lives. Many barely escaped. The town of Greenville in my district, 75 percent gone, and an adjacent town, Canyondam, was completely gone in minutes.

There is more up on the Klamath River even. Fire after fire because our forests are not managed, because the Federal Government can't get out of its own way to aggressively do what needs to be done.

We are way behind, so it affects air quality. The air plume, the smoke that went up in the plume from the Dixie fire in my district, came and settled over the East Coast because there was so much smoke. It affected air quality, I believe, here in Washington, all the way up to New York. People were advised not to go out and do athletic things because of air quality from a fire in my district.

I am sorry. We didn't want it to happen, but there it was, year after year, fire after fire. So, we need folks to be on our side on this thing. No, we don't want to wipe out the forest or cut down the owl or any of that stuff. The owls actually like a little room to fly between not overcrowded trees.

It will help our water supply. It will help the health of the forest. It will help not spend billions and billions on fire suppression every year once we are behind, endangering people's lives trying to put the fire out and flying the air tankers and all that fuel being expended trying to do that.

Let's talk $CO_2$. I have a $CO_2$ poster over there as well. When we are talking $CO_2$, which everybody is scared to death of around here as being the major pollutant, more $CO_2$ is released in those fires than a year's worth of cars driving in L.A., okay?

This climate change, which is half the time what they are talking about on the other side of the aisle in order to scare people to death, $CO_2$ represents only 0.04 percent of our atmosphere. The U.S. is a country leading the way on actually lowering the number anyway.

We are going to export our jobs and export our industry to countries that are doing nothing about it. China laughs at us as they build another coal-fired power plant every week, every 2 weeks, whatever it is. There are those that say, ''Hey, you guys in America, you are not keeping up with the Paris accords,'' and they keep cranking out more and more. It makes us look like a bunch of fools.

This climate change religion they are pushing is going to be really expensive. Watch out for these corporations that are pushing what is called an ESG policy. We acted on that this week here legislatively because it is going to make Americans uncompetitive in the areas of energy and everything else.

This is pie-in-the-sky stuff they are pushing here. It is actually very harmful to America, which is always the innovator of the cleanest, best way of doing things. We are always seeking to improve. We got the best-running car and truck engines, yet it is never enough for the regulators, including in my home State where 70,000 currently used trucks, up until January 1, now have to be sold or scrapped or something else, and therefore, people don't get the stuff delivered to the stores or to their homes that they normally would. It is going to be more expensive.

I heard somebody talk about the PRO Act here a minute ago. In California, that was a bill that makes everybody have to be part of a workforce or union instead of an independent contractor.

Madam Speaker, I yield to the gentleman from California (Mr. DUARTE) to talk about regulations in California.

Mr. DUARTE. Madam Speaker, the other side of affordability is opportunity, and families can't make ends meet unless they have affordable food, affordable energy, affordable housing. They can't do the best they can do without opportunity.

Until America decides to take practical steps to power our grid, we are not going to have the industrial growth, the worker productivity, the opportunity that American families deserve.

I think Congressman LAMALFA makes a very clear case that other countries are happy to take those jobs, happy to provide their citizens with opportunities that American citizens won't have.

As we look at our global food system that is based in California and throughout many States, a global food system will ship food to whoever can afford it best. In the emerging middle and upper classes in India and China, where they are running a carbon economy, where they are creating jobs, where their grid stays lit 24/7 and has plenty of room for industrial growth, is where we are seeing opportunity in work and jobs, and it is where Americans are going to see their dinner flow to.

Mr. LAMALFA. Madam Speaker, we want the American people to pay attention because this affects them. It isn't just for us to stand here and speak.

Madam Speaker, I yield back the balance of my time.

## CONGRATULATING FLORIDA WINTER OLYMPIC MEDALISTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 9, 2023, the Chair recognizes the gentlewoman from Florida (Mrs. CAMMACK) for 30 minutes.

Mrs. CAMMACK. Madam Speaker, I rise today to congratulate Erin Jackson, Joey Mantia, and Brittany Bowe, the three speed skaters from Ocala, Florida, who represented the United States at the 2022 Winter Olympics and brought home gold and bronze.

It is not every day that you see a winter sport like speed skating coming out of the Sunshine State, so it really is a particular honor to be able to stand here and recognize the Olympians from my very own district.

To Erin, a gold medalist, and Joey and Brittany, both bronze medalists, you have made Florida's Third Congressional District and the United States so proud during the Olympics. Your hard work, dedication, and commitment to the American values of independence and self-determination are certainly worthy of celebration. We cannot wait to see what you will continue to accomplish in the future.

To the Ocala community and the coaches and parents who have helped these amazing athletes get to the top of their game, thank you. Of course, not only to Erin Jackson, Joey Mantia, and Brittany Bowe but to the entire Team USA, thank you for proudly representing the United States on the world stage and demonstrating to countries all over the world what it means to be an American.

Go Team USA.

### HONORING THE LIFE OF KEVIN MORSE

Mrs. CAMMACK. Madam Speaker, I rise today to commemorate and honor the life of a dear friend, Kevin Morse.

As a husband, father to three sons, and friend to many, Kevin was a man loved by all. Whether you needed a mechanic, engineer, plumber, electrician, therapist, priest, or even a hug, Kevin would be there in an instant. He lived to help others.

Kevin was a family man through and through, and he loved his wife and kids more than anything in the world. As he watched his three boys grow up into young men, he supported them all in their endeavors, attending every basketball game and cheering them on from the bleachers as loud as he could.

Now, when I say cheer them on, I mean he would beat the hell out of the banisters and railings with his cane. At the time, I was cheering for Metro State and could hear his endless banging up in the stands even while down on the floor. By the end of the game, there were more dents and scratches on the cane and the entire area around him. It was kind of his signature.

He was a role model for his boys, and he raised them to be kind, smart, and selfless. He served as the spiritual leader for his family and his community, exemplifying what it means to be a man of faith. He was gentle, patient, faithful, and forgiving, all the qualities of a man who you would want in a friend.

I have known Kevin for many years, and the impact that he had on my life is something that cannot be explained in words.

To his family, friends, and anyone who was lucky enough to have known Kevin, I extend my sincerest thoughts and prayers during this difficult time.

I am honored to recognize Kevin Morse and his incredible legacy here on the House floor.

### HONORING THE SERVICE OF LOGAN CATALANOTTO

Mrs. CAMMACK. Madam Speaker, I rise today to honor a student from my district, Logan Catalanotto.

I hope I got that right, Logan. If I butchered it, I am so sorry. But thank you, Logan, for your meaningful contribution to our community.

At just 17 years old, and a senior at Forest High School in Ocala, Logan decided to make his Eagle Scouts project an upgrade to the State Flag Commons area of the Ocala-Marion Veterans Memorial Park.

His troop, Scout Troop 72 of Ocala, has held events at the park over the last 2 years, and Logan decided to give back to the community by beautifying the memorial park.

The project, being an estimated $32,000 worth of upgrades, is one that you typically don't get to see from someone as young as Logan, a project that he initiated.

His service to the veteran community has not gone unnoticed by the citizens of Ocala, as many have expressed great gratitude toward Logan for his dedication to the project.

It is acts of benevolence like these that truly restore faith in America's young people to spread kindness and do the right thing.

I could not be prouder of Logan for being a driver of positive change, generosity, and patriotism.

Thank you, Logan, for your service to the veteran community and to Florida's Third Congressional District.

### HONORING THE LIVES AND SERVICE OF SERGEANT NOEL RAMIREZ AND DEPUTY SHERIFF TAYLOR LINDSEY

Mrs. CAMMACK. Madam Speaker, I rise today to commemorate, remember,

and honor the lives of two heroes from North Florida, Sergeant Noel Ramirez and Deputy Sheriff Taylor Lindsey of Gilchrist County.

It was on April 19, 2018, that these young men lost their lives as they were attacked and fatally shot while on a lunch break in Trenton, Florida. Beloved by their family, friends, law enforcement, and members of the local community, the legacy that these public heroes leave behind will not soon be forgotten by either myself or those whose lives were impacted by their incredible kindness.

As we approach the fifth anniversary of their tragic deaths, we will forever honor their memories by saying their names.

As the wife of a first responder myself, what happened to these two men is something to which our law enforcement officers are no strangers. I remember the day we lost these heroes and recall the heartbreak when we learned the news.

On April 18, and on countless other days when we mark the deaths of our law enforcement officers, my resolve to support our men and women in blue grows stronger. Each year during National Police Week, I visit Noel and Taylor's names at the National Law Enforcement Memorial in Washington, D.C., and will continue to remember them and their sacrifices, as well as their families, to remember all that they have given to Gilchrist County and our surrounding areas.

Please join me in honoring their families and friends, as well as our heroes in uniform across the Sunshine State and the Nation.

CONGRATULATING REGGIE BROWN

Mrs. CAMMACK. Madam Speaker, I rise to congratulate a constituent of mine, Reggie Brown, for his induction into the Florida Agricultural Hall of Fame.

Born and raised on a family farm in Alachua County, Reggie's expertise and work in the industry is undoubtedly worthy of this prestigious honor.

He has held numerous roles during his career, including those at the University of Florida Institute of Food and Agricultural Sciences, better known as IFAS, the Florida Fruit and Vegetable Association, and the Florida Tomato Exchange, where he served as the executive vice president.

Reggie has become a prominent leader within the Florida tomato industry for his efforts to combat unfair trade practices and work toward improved food safety and fresh produce worldwide.

He is a champion for the horticulture industry, leading on numerous fronts to protect domestic producers, family farms. Now, his achievements have become the benchmark for the development of national product safety guidance.

I am so honored to be recognizing Mr. Reggie Brown before this Congress. I thank him for all that he has done for Florida's farmers, ranchers, and producers.

Congratulations, Reggie.

□ 1345

HONORING TOM HOWARD

Mrs. CAMMACK. Madam Speaker, I rise to honor a constituent of mine, Mr. Tom Howard, who recently was honored with the We Honor Veterans Volunteer Service Award for his extraordinary commitment to the local community.

A veteran himself, Tom joined the Marine Corps in 1966 and served in Vietnam in 1966 and 1967 and currently serves as a veteran volunteer with Hospice of Marion County in Ocala. He has faithfully volunteered nearly 2,000 hours of service since joining the organization in 2010 and is known for his dependability, his selflessness, and his commitment to his fellow men and women in uniform.

Over the past 12 years as a volunteer, Tom has served as a skillful teacher and leader of 50-plus veteran volunteers and has attended and participated in nearly 300 veteran recognition services.

Additionally, during COVID–19, Tom performed recognition ceremonies by phone, standing in driveways, garages, and by open windows, to ensure that every veteran received their honor despite not being able to meet in person.

For these acts of service and so much more, the National Hospice and Palliative Care Organization honored Tom this year with the We Honor Veterans Volunteer Service Award.

Tom, through his military service and volunteer efforts with Hospice of Marion County truly represents what it means to act as a proponent of benevolence and kindness and embodies the American spirit of giving back to one's country and community.

Thank you, Tom, for all that you have done for your veterans from Florida's Third Congressional District. It is an honor to be able to recognize you here on the House floor before this Congress.

REMEMBERING ALLEN SINGLETON

Mrs. CAMMACK. Madam Speaker, I rise today to remember and honor the life of a firefighter/paramedic from my district, Mr. Allen Singleton, who sadly passed away in late January of this year.

Allen was a 6-year veteran firefighter who joined the ranks of Marion County Fire Rescue on September 12, 2016, where he was a proud member of the Rolling Greens Station number 28 and he was a member of the local SWAT Medic team, just like my husband. Our community was truly fortunate and blessed to have experienced his service, but more importantly his heart, for others.

As the wife of a firefighter and first responder, I understand the courage and sacrifice that it takes every day to do this job and know the challenges that our heroes face while serving our community. Allen will forever be remembered by his colleagues and the fire family for the unforgettable difference that he made and the lives he touched during his many years of service in Marion County.

To Allen's family, know that the entirety of Florida's Third Congressional District stands with you and behind you during this difficult time. Our thoughts and prayers are with his friends, family, and the entire Marion County Fire Rescue team as our community mourns this great loss.

HONORING THE LIFE OF TRIPP WOOTEN

Mrs. CAMMACK. Madam Speaker, I rise today to offer my deepest condolences and to honor the life of a firefighter paramedic from my district, Mr. Tripp Wooten, who tragically passed away in early January of this year.

Tripp was a 14-year veteran firefighter who joined the ranks of Marion County Fire Rescue on December 15, 2006. Prior to his hiring, Tripp was a member of the 2006 Marion County Fire Rescue Career Academy class.

He was a loving husband, father, son, brother, uncle, and friend to everyone he crossed paths with. He possessed a sense of humor that brightened the days of all who came into contact with him.

As the wife of a firefighter and first responder, I understand the courage and sacrifice it takes every day to do this job, and I know the challenges that you face in serving our community. I am certain that the positive impact that Tripp made on the Marion County community at large will never be forgotten.

On behalf of Florida's Third Congressional District, our thoughts and prayers are with his family, friends, and the entire Marion County Fire Rescue family as we mourn his loss. Tripp will forever be remembered by his colleagues and the fire station family for the unforgettable difference he made and the lives he touched during his 16-plus years of service.

HONORING THE LIFE OF NICKOLAS TILLIMAN

Mrs. CAMMACK. Madam Speaker, I solemnly rise today to honor the life of Mr. Nickolas Tilliman, a member of the Alachua County Sheriff's Department, who tragically passed away last month.

Nick was a loyal servant and protector of our community, serving Florida's Third Congressional District as a deputy in Alachua County and our Nation through his military service. After completing high school, Nick joined the United States Navy as a gunner's mate. Following his Naval service, he joined the United States Army Reserves. He joined the Alachua County Sheriff's office in 2018, and he was then deployed to Afghanistan. It is safe to say, he had a heart for service.

Upon returning from deployment, he returned to his service with the sheriff's office where colleagues will remember the memes that he was known for, as he would brighten someone's day, or when he would share with a smile and a laugh, not callous, his ''#thoughtsfromthethrone.''

We will miss Nick.

Our heroes in uniform display the utmost courage and selflessness, risking their lives every day in pursuit of protecting and keeping our communities safe. Nick is one of these heroes. On behalf of Florida's Third Congressional District, our thoughts and prayers are with his friends, family, and the ASO as our community mourns his loss.

HONORING ANSIL LEWIS AS THE 2022 VETERAN OF THE YEAR

Mrs. CAMMACK. Madam Speaker, I rise today on behalf of Florida's Third Congressional District to honor Mr. Ansil Lewis as our 2022 Veteran of the Year. Each year, our office gives this award to a veteran who has exemplified the utmost courage, sacrifice, and benevolence throughout our local communities.

Mr. Lewis served as a sergeant major in the United States Marine Corps from 1987 to 2017. While serving, he received the Bronze Star, Legion of Merit, Meritorious Service Medal, Navy and Marine Corps Achievement Medal, Combat Action Ribbon, Joint Meritorious Unit Award, Navy Unit Commendation, and the Military Outstanding Volunteer Service Medal. That is impressive.

After years of military service, Mr. Lewis has continued to show his dedication to our community as the past commandant of the Roy S. Geiger Marine Corps League Detachment 1047, a proud member of the board for Operation Barnabas, and the president of the Veterans Council of Clay County.

From his distinguished military service to his organization of dozens of events for our Nation's heroes, I can't think of anyone more deserving of this honor. It is a privilege to recognize Sergeant Major Ansil Lewis before this body for his honorable service to our Nation and our community, and I hope his volunteer spirit will continue for many years to come as well as inspire those who follow.

Madam Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentlewoman from Florida has 12 minutes remaining.

HONORING THE LIFE OF JIM PAINTER

Mrs. CAMMACK. Madam Speaker, I rise today to honor the life of Jim Painter, who passed away following an unforeseen complication during his yearlong battle with cancer.

Jim was a third-generation brick mason who devoted his life to the masonry industry in Gainesville, Florida. The first of many jobs the Painter family would work on at the University of Florida, one of Jim's family's first projects was working on Williamson Hall on the UF campus.

Over the course of 40 years with Painter Masonry, Jim worked alongside his father, Abe, and his brother, Jerry, to set the standard for quality masonry for commercial, industrial, and institutional buildings at the University of Florida and across north central Florida.

From 1990 to 1996, Jim served as a city commissioner in Gainesville and as the mayor from 1993 to 1996. While he was mayor, Gainesville earned the title of America's Most Livable City award. He gave his time and talents to many organizations, including the Alachua-Bradford County Workforce Development Board, the Gainesville Area Chamber of Commerce, the Gainesville Elks Lodge, the Builders Association of North Central Florida, the Florida Home Builders Association, and the Girls Club of Alachua County.

A stranger to none, Jim was a public servant, a friend, and a confidant to many. I know that I will miss Jim, and so many will miss him, as well.

CONGRATULATING THE HAWTHORNE GIRLS BASKETBALL TEAM

Mrs. CAMMACK. Madam Speaker, I rise today to celebrate the hard work of the Hawthorne High School girls varsity basketball team, this year's 1A State champions.

Former Florida Gator Cornelius Ingram led the Hawthorne Hornets to the championship win over Wildwood this past Friday night. The game was down to the wire, all the way until the final buzzer in the fourth quarter. With a final score of 42–38, the Hornets were victorious.

This is not the first victory for Coach Ingram, who also led the Hawthorne Hornets varsity football team to a State championship this past fall. A former tight end for the Florida Gators, Ingram has had tremendous success encouraging his teams and leading them to victory, and we could not be more proud of their outstanding accomplishments on the field and on the court.

Congratulations to the Hawthorne Hornets on the new trophy that they will add to the growing trophy case that they continue to expand in north central Florida.

Go Hornets.

CONGRATULATIONS TO SENATOR BEN SASSE

Mrs. CAMMACK. Madam Speaker, I rise today to congratulate Senator Ben Sasse for becoming the new president of the University of Florida.

Florida's flagship university came from humble beginnings. Being one of the original two State universities, UF was created through the Land Grant Act of 1862 and the Florida State legislature, combining four existing institutions in Lake City, Gainesville, Bartow, and St. Pete to establish the University of the State of Florida.

Now, UF is the gem in the crown that is our State's university system and the fifth-ranked public university in the Nation.

Ben Sasse himself also comes from humble beginnings. He is the son of a teacher and football coach who grew up in Plainview, Nebraska. He worked hard in his youth, earning degrees from Harvard, St. John's College, and Yale. Ben led a successful private sector career, then went on to become one of the youngest college presidents at Midland University back in his hometown, saving that institution from insolvency. Answering the call for public service, Ben ran and won a seat in the United States Senate, serving his State and country for 7 years.

Now, it is my pleasure to welcome him to the Gator Nation, a tight-knit community with worldwide reach.

Ben, we look forward to yours and the university's continued success. As always, it is great to be a Florida Gator.

Madam Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentlewoman from Florida has 7 minutes remaining.

HONORING DON QUINCEY

Mrs. CAMMACK. Madam Speaker, I rise today to honor Mr. Don Quincey, an advocate for the industry and role model for future generations. Don Quincey has an undeniable passion and dedication to the agricultural industry, leading by his actions in business and in service.

Born in Gainesville, Don is a fifth-generation Florida cattleman. Upon graduation from Cleveland High School, he felt called to serve in law enforcement. But after 2 years of service, his unquestionable love for the land and raising cattle brought him back to the family's feed store and cow-calf operation. He was actively engaged in ownership and operations from 1977 to 2003, when the store was eventually sold.

□ 1400

While supporting the family business, Don founded Quincey Cattle Company in 1992, a diversified cattle feeding operation in Chiefland, Florida. The operation has grown in size and scope to meet fellow cattle producers' needs and goals, providing services to improve marketability and options for Florida cattle. His commitment to innovation has led to improved sustainability for the industry, with approximately 80 percent of his commodity needs coming from within 20 miles of his ranch. That is pretty significant. For folks in agriculture who know how difficult that is, that is a big deal.

His record of service and leadership is well-documented and tremendous. Don is a lifelong supporter of FFA, Future Farmers of America, and a founding member of the Florida Cattle Ranchers. He has held all elected officer positions with the Florida Cattlemen's Association and served on the board of directors for Drummond Community Bank, Florida Beef Council, National Cattlemen's Beef Association, and CattleFax.

He also has been recognized by the University of Florida's College of Agricultural and Life Sciences with an award of distinction and the National Cattlemen's Beef Association with the leadership award.

Don has been an advocate for mutually beneficial environmental and agricultural policy—seeking to bridge the gaps between production and regulation—as well as a member of the Suwannee River Water Management District board for many years. He served

as chair for 9 of his 12 years at the district. During his tenure, he initiated the district's cost-share program and was instrumental in developing a water-use monitoring program to assist agricultural producers with reporting actual water use instead of estimated data.

With lifelong roots in Florida's agriculture, carving out a niche in the Florida cattle industry was not for Don's personal gain, but to set the foundation for future generations to provide a safe, wholesome, local Florida beef supply.

We are so glad to know Don and his family. We are proud and grateful for all that he has done in service to north central Florida and our farmers, ranchers, and producers.

GATORS GYMNASTICS SEC CHAMPIONS

Mrs. CAMMACK. Madam Speaker, I rise today to honor the Florida Gators' women's gymnastics team, this year's regular season SEC champion. Florida's Super Seniors, including Leah Clapper, Savannah Schoenherr, Halley Taylor, and Trinity Thomas now have a handful of rings, claiming their fifth consecutive SEC title on Friday with a win over number 12 Kentucky.

This is UF's 15th SEC gymnastic title and 5th consecutive title. The gymnastics team joins volleyball and men's and women's swimming and diving as regular season champions during this academic year.

During the SEC championship meet, Florida led on vault with season bests by Leanne Wong and Sloane Blakely. Kayla DiCello led the Gators on the balance beam, while DiCello, Trinity Thomas, and Wong boosted the Gators' overall score on the uneven bars—a whole heck of a lot more than most of us in this Chamber can do.

It is with tremendous pride that we say congratulations to the Gators Gymnastics team, Coach Rowland, and the Super Seniors on a great regular season. We look forward to cheering them on at the collegiate NCAA championship that is soon to come. Go Gators.

Madam Speaker, I yield to the gentleman from Texas (Mr. BABIN), my good friend and colleague.

Mr. BABIN. Madam Speaker, I appreciate very much my good colleague from Florida. Wow, very impressive, too, all those stats.

Madam Speaker, I rise today and thank my fellow Texan (Mr. ROY) for this Special Order that we are going to do on our Texas Rangers' 200th anniversary. I rise today to celebrate one of our country's most storied law enforcement agencies, the Texas Rangers.

Since its creation 200 years ago as a force to defend settlers on the frontier of Texas, the Rangers have been a central part of my State's rich, rich history.

This group of remarkable men and women have seen their fair share of legends themselves. Men like John Coffee Hays, who helped tame the vast wilderness of Texas and protect settlers in the early days; John B. Jones, who brought law and order during a time when the West was still very wild; Frank Hamer, who took down the infamous Bonnie Parker and Clyde Barrow. In fact, my district, the 36th Congressional District, which includes Houston over to Louisiana, is home to a few legendary Texas Rangers itself.

Major James T. Thomas grew up in Newton, Texas, right down the road from my hometown of Woodville, Texas. He is the first known Texas Ranger to hold a doctoral degree and is a forensics expert. His fellow Rangers say that he is the epitome of what it means to be a Texas Ranger: a man who is devoted to his faith, to his wonderful wife, and is a great father to his children, and is a loyal friend and colleague.

I am also proud to represent other legends of the Texas Rangers. Brandon Bess, is known for using modern techniques like genetic targeting to solve cold cases that are decades old. Texas Ranger Joe Haralson, is the longest-serving Ranger in history. It is a great privilege to represent heroes like these three men.

Throughout history, the Texas Rangers have protected Presidents and dignitaries, captured bandits and burglars, and solved some of the most complicated criminal cases ever. They have always served their communities and the Lone Star State with distinction and bravery.

Madam Speaker, I thank them for their dedicated service, and may God continue to bless the Texas Rangers and our beloved Lone Star State.

Mrs. CAMMACK. Madam Speaker, I yield back the balance of my time.

## CELEBRATING THE 200TH ANNIVERSARY OF THE TEXAS RANGERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 9, 2023, the Chair recognizes the gentleman from Texas (Mr. ROY) for 30 minutes.

Mr. ROY. Madam Speaker, I am proud to rise here on the floor of the United States House of Representatives as we celebrate the 200th anniversary of the Texas Rangers, Texas' oldest law enforcement agency.

I am proud to represent a number of Rangers personally. I am proud to live in a county named after one of our most famous Texas Rangers. I am proud to be the descendent of a Texas Ranger. I will have more to say about all of that in a moment.

Madam Speaker, I yield to the gentleman from Texas (Mr. MORAN), my friend, to offer his thoughts on the Texas Rangers.

Mr. MORAN. Madam Speaker, I am honored to join Representative ROY and so many from the Texas delegation today to recognize 200 years of history—the 200th anniversary of our most prolific investigative law enforcement agency in Texas, and one of the most prolific law enforcement agencies in this Nation and worldwide, the Texas Rangers.

In 1823, Stephen F. Austin assembled a small collection of brave men in a call to arms. Over the past two centuries, this small group numbering less than 200 today, has undertaken almost every aspect of law enforcement in Texas.

Let me pause there and reinforce that, less than 200 Rangers on the job today. By the amount of work that they do, you would think there were hundreds, even thousands across Texas, but indeed it is a small elite force.

From investigating murder to conspiracy and every crime in between, they have protected our borders, both in the 19th century and here again in the 21st century. They have protected our Governor and our historical Alamo.

The Texas Rangers are an esteemed symbol of the Lone Star State. They are guardians of the highest order. They are the cream of the crop. Because of that, they have been praised and storied again and again in poem, in song, in movies, and in television—from the Lone Ranger to Walker Texas Ranger. You see replications of these Texas Rangers over and over again because of their unique toughness, but also because of their compassion. They make sure that there is swift and sure justice in Texas, but also fair and impartial justice.

Like so many other law enforcement agencies, it is not just the possibility of ultimate sacrifice that sets them apart from so many others, it frankly is their daily sacrifice. Each day when they get up, they kiss their kids and their wives and their spouses goodbye, and they head off to work. They set themselves apart by sacrificial service to their communities, putting their life on the line day in and day out for each of us in Texas.

As I did when I was a county judge in Texas, I am proud to back the blue. I am honored to stand here today in recognition of the Texas Rangers' 200 years of dedication and service to our communities.

To all of our officers: We honor you, we thank you, and we are indebted to you. This Congress should look at the example of the Texas Rangers and the examples set by so many law enforcement officers across this country, and remind ourselves of what is truly important and who we should indeed support when it comes down to it. We should always back the blue.

Congratulations, Texas Rangers. Keep leading the way, keep setting the standard, and keep making us proud.

Mr. ROY. Madam Speaker, I appreciate my colleague's remarks about the Texas Rangers. They are such an important organization in the world of law enforcement. I say that as someone who served in the Office of the Attorney General of Texas as the first assistant attorney general where I had a large number of law enforcement, including former Texas Rangers, working for me.

I worked in the U.S. Attorney's Office in law enforcement. My grandfather was the chief of police in a small Texas town, Sweetwater, Texas, in the 1940s. My great-great-grandfather was a Texas Ranger.

As my colleague from Texas just discussed with respect to the history, in 1821, Stephen F. Austin, the father of Texas, brought 300 families to settle land in modern-day Texas. There was no regular Army. Austin assembled a fighting force to provide protection from Comanches and eventually Mexican raiders, giving rise to the Texas Rangers.

Texans did what sovereign States have done throughout history, stepping up and protecting our communities. We stood up for the rule of law when there was none. Much of the action seen by the early Rangers involved bloody conflicts with Comanche Tribes and gangs of bandits who threatened the safety of Texans.

In years following, the Rangers proved indispensable during major events such as the Mexican-American War; the pursuit of the criminals, Bonnie and Clyde in 1934; and Hurricane Harvey rescue and recoveries recently in 2017 and now currently today.

As local law enforcement slowly assumed much of the day-to-day peacekeeping role that the Texas Rangers held before the turn of the 20th century, the Rangers now operate as a key investigative body for the State of Texas.

Rangers were known for conducting major criminal investigations, suppression of organized crime, border reconnaissance, SWAT, bomb squad, Special Rapid Response, crisis negotiation, joint intelligence center management, and investigation of unsolved crimes.

The impact of the Texas Rangers on the Lone Star State cannot be understated. My home county, Hays County, is named for John Coffee Hays, a renowned Ranger, appointed by Sam Houston, who fought one of the most notorious battles against the Comanche near what is called Enchanted Rock, in the district I represent a little west of Austin in Gillespie County.

My great-great-grandfather, John Vaughn Roy, served as a Texas Ranger in Hays, Travis, and Blanco counties—all three counties I represent today, protecting my future home where I live now in Hays County, and holding the line against lawlessness.

To the west, Captain Charles Schreiner of Kerr County, served with distinction and went on to donate land for the Schreiner Institute Military School in my district.

Today, I am honored to represent Ranger Ray Martinez, a living legend in New Braunfels with a long history of heroism and service. The Ranger spirit is alive and well today in my friend and long-time Texas Ranger David Maxwell, who I worked with in the Office of the Attorney General of Texas. He solved the over 35-year-old cold case in the unspeakable murder of his own sister. That is the spirit of the Texas Rangers.

□ (1415)

They were men who could not be stampeded. That is how former Department of Public Safety Director Homer Garrison, Jr., described them.

They have certainly lived up to that.

With so many other great figures of our history, some today wish to rewrite the legacy of the Texas Rangers focusing only on the harshest of narratives from the comfort of modern-day America—a comfort bought by the sacrifice and the blood of Texas Rangers—all while ignoring those sacrifices that they made to settle the West and establish the rule of law.

The Scripture reminds us that greater love has no man than this, that he lay down his life for his friends.

These heroes wake up every morning and put their lives on the line to serve and protect their fellow Texans as did their predecessors.

The Texas Rangers are owed a debt of gratitude that cannot be fully repaid, but today we do thank them, and we congratulate them on 200 years of selfless service.

Tomorrow will be March 2. That is Texas Independence Day.

On February 23, a Mexican force numbering in the thousands and led by General Antonio Lopez de Santa Anna began a siege of the fort. The Texas forces held out for 13 days outgunned and outnumbered. They were driven by the cause of liberty and their desire for a free Texas.

William Barret Travis wrote this about the siege:

> I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man.
>
> The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat.
>
> Then I call on you in the name of liberty, of patriotism, and everything dear to the American character to come to our aid with all dispatch.
>
> The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in 4 or 5 days.
>
> If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—victory or death.

This week also includes Texas Independence Day as I said. The Texas Declaration of Independence reads:

> When a government has ceased to protect the lives, liberty, and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted. . . .

The Texas Declaration of Independence states that:

> In such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable rights of the people to appeal to first principles and take their political affairs into their own hands in extreme cases, enjoins it as a right toward themselves and a sacred obligation to their posterity to abolish such government and create another in its stead calculated to rescue them from impending dangers and to secure their future welfare and happiness.

But what did they declare independence for?

What did Travis and the rest of the Alamo sacrifice for?

A Federal Government that opens our borders to cartels?

A group of Republicans who campaign on securing the border but who run away in abject surrender refusing to actually do it?

That is the question before us right now. That is the question for every Member of the Republican Conference.

I am speaking to you: If you do not secure the border now—now—you are giving up any argument you have for the American people to put their faith in you.

Will Republicans honor their campaign commitments to secure the border? Yes or no?

What I am seeing right now from my Republican colleagues does not give me faith that they will stand up in the breach as did those men who stood on the wall of the Alamo.

I am tired of words. Things are going to change in this body. If my Republican colleagues believe that they are going to be moving through relatively meaningless provisions doing precious damn little for the very people who sent us here to change things and they think that some of us are just going to go along for the ride, then they are sorely mistaken. We will not.

There will be no more games as I saw unfold today on the floor of the House of Representatives where lies and misrepresentations were made about legislation, specifically for personal reasons, to take down an amendment.

This amendment, by the way, was designed to ensure that the executive orders that are driving up inflation that this majority said they wanted to expose out of the current President and our Democratic colleagues on the other side of the aisle would exempt emergency executive orders and exempt national security-related executive orders, which are the very kinds of emergency executive orders that have been killing this country for as long as I can remember and specifically for the last several years through the COVID pandemic and emergency responses.

These executive orders force needles into the peoples' arms. They say ''no'' but then they can't carry out their livelihoods.

This in turn will shrink the labor supply and drive up the cost of goods and services by shutting down the greatest economy in the history of the world.

My colleagues on this side of the aisle today ran away—ran away—from actually holding the executive branch responsible.

Why?

For petty, personal, and political reasons. That ain't gonna fly. That is not going to be the way this works.

Leadership is something that is observed and followed. It is not an anointed position. We did not come to this Chamber to continue to allow the executive branch to run over the American people.

Sitting today is a young man who served his country and is being denied his commanding officer job and is being forced to try to pay back student loans because he dared to say ''no'' to a vaccine mandate that was politically driven.

What is this side of the aisle doing about it?

Not a damn thing.

What is this side of the aisle doing about open borders?

Nothing. Nothing.

What is this side of the aisle doing about an ATF rule about to make felons out of 10 million Americans or more?

Nothing.

What is this side of the aisle going to do about spending?

Lip service.

We have a debt ceiling approaching, and we are running around like chickens with their heads cut off. We should say something right now. We should pass a bill off this floor saying that we will raise the debt ceiling but only—only—if you end the disastrous student loans that are going to cost $400 billion and drive up the cost of higher education, only if you rescind the $91 billion of unobligated COVID money, only if you go rescind the $80 billion designed to increase the IRS to go after taxpayers—including, by the way, more often the poorest among us and minorities—only if you will return spending to 2022 levels getting our spending back to preCOVID levels and make sure that we cap spending so we stop funding the woke, weaponized bureaucracy that is going after the American people.

Do that.

Send that over to the Senate. Send that over to the Senate and make CHUCK SCHUMER and the President of the United States choke on it because the American people want us to cut spending right now. They don't want us dillydallying around going out to focus groups and talking to Frank Luntz and talking about what the hell we are going to do with the American people. But that is too often what this body does and particularly this side of the aisle.

We are not going to have 2 more years of the usual crap that this body continually engages in.

No more spending money we don't have.

No more allowing lawlessness.

No more open borders.

No more mandates killing the American people.

No more mandates driving up the price of energy by subsidizing unreliable energy and driving up the cost of that energy.

No more.

We are $32 trillion in debt.

Wide-open borders cause little girls to get sold into the sex trafficking trade. The New York Times finally wakes up and writes a story about it this week.

What do we do?

We pass a 3-page bill asking the Democrats to say that we will give you reports on inflation but not if there is emergency spending, because everybody has got to have their precious emergency spending.

Oh, gosh, there is a hurricane.

So who cares if it is inflationary?

So you dump $40 million.

Who cares if it is COVID and you dump $5 trillion out in the name of an emergency crushing the greatest economy in the history of the world?

No, no. We can't have a report like that.

The American people are sick and tired of the same old same old. So far, 2 months into the 118th Congress, I am not seeing it a hell of a lot different than the same old same old.

The American people gave Republicans the majority. We ought to darn well use it. It is time to stand up for the American people, and that time is now. That time is not tomorrow. That time is not after another retreat to go figure out how you are going to raise more money. That time is not after another retreat to go look at poll testing.

Come down to the floor of the House of Representatives, stand up for the American people who sent you here, and stop playing games with the election certificate you were given to represent them.

Madam Speaker, I yield back the balance of my time.

## ADJOURNMENT

Mr. ROY. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Friday, March 3, 2023, at 9 a.m.

## NOTICE OF ISSUANCE OF FINAL REGULATIONS

FEBRUARY 28, 2023.

Re Notice of Issuance of Final Regulations Pursuant to the Congressional Accountability Act.

Hon. KEVIN MCCARTHY,
*Office of the Speaker of the House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: On December 14, 2022, the House of Representatives passed House Resolution 1516, thereby approving the regulations adopted by the Board of Directors of the Office of Congressional Workplace Rights that were promulgated under section 203(c)(1) of the Congressional Accountability Act (CAA), 2 U.S.C. §1313(c)(1), to the extent such regulations are consistent with the provisions of the CAA. The approved regulations govern minimum wage, overtime, and exemptions thereto for employees in the House.

Section 304 of the CAA, (2 U.S.C. §1384) provides that, after congressional approval of substantive regulations, the Board shall submit the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate. Accordingly, on behalf of the Board of Directors of the Office of Congressional Workplace Rights, I am transmitting the enclosed Notice of Issuance of Final Regulations, together with a copy of the final regulations.

Pursuant to section 304, the Board also requests that the enclosed notice be published in the *Congressional Record* on the first day on which both the House and the Senate are in session following this transmittal.

Sincerely,

BARBARA CHILDS WALLACE,
*Chair of the Board of Directors,*
*Office of Congressional Workplace Rights.*

Attachment.

NOTICE OF ISSUANCE OF FINAL REGULATIONS

The Congressional Accountability Act of 1995 (CAA) was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of 14 federal labor and employment law statutes to covered congressional employees and employing offices. Section 203 of the CAA addresses the application of (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)) to covered employees.

Section 203(c)(1) of the Act requires the Board of Directors of the Office of Congressional Workplace Rights (Board) to issue regulations to implement section 203. Section 203(c)(3) of the CAA further requires that the Board issue regulations for covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 [29 U.S.C. 201 et seq.] that apply to employees who have irregular work schedules.

The Board, pursuant to section 203(c)(1), adopted and submitted the Regulations Relating to the House of Representatives and Its Employing Offices for publication in the *Congressional Record*. Publication was effectuated on September 28, 2022. The Regulations are attached to this notice.

Pursuant to section 304 of the CAA, 2 U.S.C. §1384, approved regulations become effective not less than 60 days after the date on which they are published in the *Congressional Record*. Although the Board has the authority to provide for an earlier effective date for good cause found, the Board does not find good cause to provide for an earlier effective date for these regulations. Therefore, these regulations will become effective 60 days after the date on which they are published in the *Congressional Record*.

Accordingly, having now been approved by the House, the Board submits its regulations to the Speaker of the House of Representatives for publication in the *Congressional Record*.

BARBARA CHILDS WALLACE,
*Chair of the Board of Directors,*
*Office of Congressional Workplace Rights.*

### H SERIES OVERTIME EXEMPTION REGULATIONS

PART 541—DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, AND COMPUTER EMPLOYEES

**SUBPART A—GENERAL REGULATIONS**

**Sec.**
**541.0 Introductory statement.**
**541.1 Terms used in regulations.**
**541.2 Job titles insufficient.**
**541.3 Scope of the section 13(a)(1) exemptions.**
**541.4 Other laws and collective bargaining agreements.**

**SUBPART B—EXECUTIVE EMPLOYEES**

**541.100 General rule for executive employees.**

## SUBPART A—GENERAL REGULATIONS (§§ 541.0–541.4)

### § 541.0 Introductory statement.

(a) Section 13(a)(1) of the Fair Labor Standards Act, as amended, provides an exemption from the Act's minimum wage and overtime requirements for any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools) and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1). Section 13(a)(17) of the Act provides an exemption from the minimum wage and overtime requirements for computer systems analysts, computer programmers, software engineers, and other similarly skilled computer employees and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1).

(b) The requirements for these exemptions are contained in this part as follows: executive employees, subpart B; administrative employees, subpart C; professional employees, subpart D; computer employees, subpart E. Subpart G contains regulations regarding salary requirements applicable to most of the exemptions, including salary levels and the salary basis test. Subpart G also contains a provision for exempting certain highly compensated employees. Subpart H contains definitions and other miscellaneous provisions applicable to all or several of the exemptions.

(c) Effective July 1, 1972, the Fair Labor Standards Act was amended to include within the protection of the equal pay provisions those employees exempt from the minimum wage and overtime pay provisions as bona fide executive, administrative, and professional employees (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools). The equal pay provisions in section 6(d) of the Fair Labor Standards Act are administered and enforced by the Office of Congressional Workplace Rights.

### § 541.1 Terms used in regulations.

Act means the Fair Labor Standards Act of 1938, as amended. CAA means Congressional Accountability Act of 1995, as amended. Office means the Office of Congressional Workplace Rights. Employee means a ''covered employee'' as defined in section 101(a)(3) through (a)(8) of the CAA, 2 U.S.C. 1301(a)(3) through (a)(8), but not an ''intern'' as defined in section 203(a)(2) of the CAA, 2 U.S.C. 1313(a)(2). Employer, company, business, or enterprise each mean an ''employing office'' as defined in section 101(a)(9) of the CAA, 2 U.S.C. 1301(a)(9).

### § 541.2 Job titles insufficient.

A job title alone is insufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee's salary and duties meet the requirements of the regulations in this part.

### § 541.3 Scope of the section 13(a)(1) exemptions.

(a) The section 13(a)(1) exemptions and the regulations in this part do not apply to manual laborers or other ''blue collar'' workers who perform work involving repetitive operations with their hands, physical skill and energy. Such nonexempt ''blue collar'' employees gain the skills and knowledge required for performance of their routine manual and physical work through apprenticeships and on-the-job training, not through the prolonged course of specialized intellectual instruction required for exempt learned professional employees such as medical doctors, architects and archeologists. Thus, for example, non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under the Fair Labor Standards Act, and are not exempt under the regulations in this part no matter how highly paid they might be.

(b)(1) The section 13(a)(1) exemptions and the regulations in this part also do not apply to police officers, detectives, investigators, inspectors, park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

(2) Such employees do not qualify as exempt executive employees because their primary duty is not management of the employing office in which the employee is employed or a customarily recognized department or subdivision thereof as required under § 541.100. Thus, for example, a police officer or fire fighter whose primary duty is to investigate crimes or fight fires is not exempt under section 13(a)(1) of the Act merely because the police officer or fire fighter also directs the work of other employees in the conduct of an investigation or fighting a fire.

(3) Such employees do not qualify as exempt administrative employees because their primary duty is not the performance of work directly related to the management or general business operations of the employer or the employer's customers, constituents or stakeholders as required under § 541.200.

(4) Such employees do not qualify as exempt professionals because their primary duty is not the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as required under § 541.300. Although some police officers, fire fighters, paramedics, emergency medical technicians and similar employees have college degrees, a specialized academic degree is not a standard prerequisite for employment in such occupations.

### § 541.4 Other laws and collective bargaining agreements.

The Fair Labor Standards Act provides minimum standards that may be exceeded, but cannot be waived or reduced. Employers must comply, for example, with any Federal laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the Act. Similarly, employers, on their own initiative or under a collective bargaining agreement with a labor union, are not precluded by the Act from providing a wage higher than the statutory minimum, a shorter workweek than the statutory maximum, or a higher overtime premium (double time, for example) than provided by the Act. While collective bargaining agreements cannot waive or reduce the Act's protections, nothing in the Act or the regulations in this part relieves employers from their contractual obligations under collective bargaining agreements.

## SUBPART B—EXECUTIVE EMPLOYEES (§§ 541.100–541.106)

### § 541.100 General rule for executive employees.

(a) The term ''employee employed in a bona fide executive capacity'' in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary basis pursuant to § 541.600 at a rate of not less than $684 per week, exclusive of board, lodging or other facilities;

(2) Whose primary duty is management of the employing office in which the employee is employed or of a customarily recognized department or subdivision thereof;

(3) Who customarily and regularly directs the work of two or more other employees; and

(4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

(b) The phrase ''salary basis'' is defined at § 541.602; ''board, lodging or other facilities''

is defined at §541.606; ''primary duty'' is defined at §541.700; and ''customarily and regularly'' is defined at §541.701.

**§541.101 Reserved.**

**§541.102 Management.**

Generally, ''management'' includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

**§541.103 Department or subdivision.**

(a) The phrase ''a customarily recognized department or subdivision'' is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function.

(b) When an employing office has more than one location, the employee in charge of each location may be considered in charge of a recognized subdivision of the employing office.

(c) A recognized department or subdivision need not be physically within the employer's establishment and may move from place to place. The mere fact that the employee works in more than one location does not invalidate the exemption if other factors show that the employee is actually in charge of a recognized unit with a continuing function in the organization.

(d) Continuity of the same subordinate personnel is not essential to the existence of a recognized unit with a continuing function. An otherwise exempt employee will not lose the exemption merely because the employee draws and supervises workers from a pool or supervises a team of workers drawn from other recognized units, if other factors are present that indicate that the employee is in charge of a recognized unit with a continuing function.

**§541.104 Two or more other employees.**

(a) To qualify as an exempt executive under §541.100, the employee must customarily and regularly direct the work of two or more other employees. The phrase ''two or more other employees'' means two full-time employees or their equivalent. One full-time and two half-time employees, for example, are equivalent to two full-time employees. Four half-time employees are also equivalent.

(b) The supervision can be distributed among two, three or more employees, but each such employee must customarily and regularly direct the work of two or more other full-time employees or the equivalent. Thus, for example, a department with five full-time nonexempt workers may have up to two exempt supervisors if each such supervisor customarily and regularly directs the work of two of those workers.

(c) An employee who merely assists the manager of a particular department and supervises two or more employees only in the actual manager's absence does not meet this requirement.

(d) Hours worked by an employee cannot be credited more than once for different executives. Thus, a shared responsibility for the supervision of the same two employees in the same department does not satisfy this requirement. However, a full-time employee who works four hours for one supervisor and four hours for a different supervisor, for example, can be credited as a half-time employee for both supervisors.

**§541.105 Particular weight.**

To determine whether an employee's suggestions and recommendations are given ''particular weight,'' factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon. Generally, an executive's suggestions and recommendations must pertain to employees whom the executive customarily and regularly directs. It does not include an occasional suggestion with regard to the change in status of a co-worker. An employee's suggestions and recommendations may still be deemed to have ''particular weight'' even if a higher level manager's recommendation has more importance and even if the employee does not have authority to make the ultimate decision as to the employee's change in status.

**§541.106 Concurrent duties.**

(a) Concurrent performance of exempt and nonexempt work does not disqualify an employee from the executive exemption if the requirements of §541.100 are otherwise met. Whether an employee meets the requirements of §541.100 when the employee performs concurrent duties is determined on a case-by-case basis and based on the factors set forth in §541.700. Generally, exempt executives make the decision regarding when to perform nonexempt duties and remain responsible for the success or failure of business operations under their management while performing the nonexempt work. In contrast, the nonexempt employee generally is directed by a supervisor to perform the exempt work or performs the exempt work for defined time periods. An employee whose primary duty is ordinary production work or routine, recurrent or repetitive tasks cannot qualify for exemption as an executive.

(b) For example, an assistant manager in a retail establishment may perform work such as serving customers, cooking food, stocking shelves and cleaning the establishment, but performance of such nonexempt work does not preclude the exemption if the assistant manager's primary duty is management. An assistant manager can supervise employees and serve customers at the same time without losing the exemption. An exempt employee can also simultaneously direct the work of other employees and stock shelves.

(c) In contrast, a relief supervisor or working supervisor whose primary duty is performing nonexempt work on the production line in a manufacturing plant does not become exempt merely because the nonexempt production line employee occasionally has some responsibility for directing the work of other nonexempt production line employees when, for example, the exempt supervisor is unavailable. Similarly, an employee whose primary duty is to work as an electrician is not an exempt executive even if the employee also directs the work of other employees on the job site, orders parts and materials for the job, and handles requests from the prime contractor.

## SUBPART C—ADMINISTRATIVE EMPLOYEES (§§541.200–541.204)

**§541.200 General rule for administrative employees.**

(a) The term ''employee employed in a bona fide administrative capacity'' in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis pursuant to §541.600 at a rate of not less than $684 per week, exclusive of board, lodging or other facilities;

(2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers, constituents or stakeholders; and

(3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

(b) The term ''salary basis'' is defined at §541.602; ''fee basis'' is defined at §541.605; ''board, lodging or other facilities'' is defined at §541.606; and ''primary duty'' is defined at §541.700.

**§541.201 Directly related to management or general business operations.**

(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers, constituents or stakeholders. The phrase ''directly related to the management or general business operations'' refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the employing office, as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.

(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.

(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general business operations of the employer's customers, constituents and/or stakeholders. Thus, for example, employees acting as advisers or consultants to their employer's customers, constituents or stakeholders (as tax experts or financial consultants, for example) may be exempt.

**§541.202 Discretion and independent judgment.**

(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term ''matters of

significance'' refers to the level of importance or consequence of the work performed.

(b) The phrase ''discretion and independent judgment'' must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to matters of significance include, but are not limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the employing office; whether the employee performs work that affects business operations of the employing office to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the employing office; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the employing office on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning longer short-term employing office objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the employing office in handling complaints, arbitrating disputes or resolving grievances.

(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term ''discretion and independent judgment'' does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the manager of an employing office may be subject to review by higher employing office officials who may approve or disapprove these policies. The department director who has made a study of the operations of a department and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is approved.

(d) An employer's volume of work may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. See also §541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a ''statistician.''

(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer.

**§ 541.203 Administrative exemption examples.**

(a) Employees who investigate claims generally meet the duties requirements for the administrative exemption if their duties include activities such as interviewing witnesses; inspecting property damage; reviewing factual information to prepare damage estimates; evaluating and making recommendations regarding coverage of claims; determining liability and total value of a claim; negotiating settlements; and making recommendations regarding litigation.

(b) Employees in financial services generally meet the duties requirements for the administrative exemption if their duties include work such as collecting and analyzing information regarding the customer's income, assets, investments or debts; determining which financial products best meet the customer's needs and financial circumstances; advising the customer regarding the advantages and disadvantages of different financial products; and marketing, servicing or promoting the employer's financial products. However, an employee whose primary duty is selling financial products does not qualify for the administrative exemption.

(c) An employee who leads a team of other employees assigned to complete major projects for the employer (such as negotiating a real estate transaction or a collective bargaining agreement, or designing and implementing productivity improvements) generally meets the duties requirements for the administrative exemption, even if the employee does not have direct supervisory responsibility over the other employees on the team.

(d) An executive assistant or administrative assistant to a senior management official of an employing office generally meets the duties requirements for the administrative exemption if such employee, without specific instructions or prescribed procedures, has been delegated authority regarding matters of significance.

(e) Human resources managers who formulate, interpret or implement employment policies and management consultants who study the operations of an employing office and propose changes in organization generally meet the duties requirements for the administrative exemption. However, personnel clerks who ''screen'' applicants to obtain data regarding their minimum qualifications and fitness for employment generally do not meet the duties requirements for the administrative exemption. Such personnel clerks typically will reject all applicants who do not meet minimum standards for the particular job or for employment by the employing office. The minimum standards are usually set by the exempt human resources manager or other employing office officials, and the decision to hire from the group of qualified applicants who do meet the minimum standards is similarly made by the exempt human resources manager or other employing office officials. Thus, when the interviewing and screening functions are performed by the human resources manager or personnel manager who makes the hiring decision or makes recommendations for hiring from the pool of qualified applicants, such duties constitute exempt work, even though routine, because this work is directly and closely related to the employee's exempt functions.

(f) Purchasing agents with authority to bind the employing office on significant purchases generally meet the duties requirements for the administrative exemption even if they must consult with top management officials when making a purchase commitment for materials in excess of the contemplated needs.

(g) Ordinary inspection work generally does not meet the duties requirements for the administrative exemption. Inspectors normally perform specialized work along standardized lines involving well-established techniques and procedures which may have been catalogued and described in manuals or other sources. Such inspectors rely on techniques and skills acquired by special training or experience. They have some leeway in the performance of their work but only within closely prescribed limits.

(h) Employees usually called examiners or graders, such as employees that grade lumber, generally do not meet the duties requirements for the administrative exemption. Such employees usually perform work involving the comparison of products with established standards which are frequently catalogued. Often, after continued reference to the written standards, or through experience, the employee acquires sufficient knowledge so that reference to written standards is unnecessary. The substitution of the employee's memory for a manual of standards does not convert the character of the work performed to exempt work requiring the exercise of discretion and independent judgment.

(i) **Reserved.**

(j) Inspectors or investigators of various types, such as fire prevention or safety, building or construction, health or sanitation, environmental or soils specialists and similar employees, generally do not meet the duties requirements for the administrative exemption because their work typically does not involve work directly related to the management or general business operations of the employer. Such employees also do not qualify for the administrative exemption because their work involves the use of skills and technical abilities in gathering factual information, applying known standards or prescribed procedures, determining which procedure to follow, or determining whether prescribed standards or criteria are met.

**§ 541.204 Educational establishments.**

(a) The term ''employee employed in a bona fide administrative capacity'' in section 13(a)(1) of the Act also includes employees:

(1) Compensated on a salary or fee basis at a rate of not less than $684 per week, exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the educational establishment by which employed; and

(2) Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof.

(b) The term ''educational establishment'' means an elementary or secondary school

system, an institution of higher education or other educational institution. Sections 3(v) and 3(w) of the Act define elementary and secondary schools as those day or residential schools that provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curriculums in grades 1 through 12; under many it includes also the introductory programs in kindergarten. Such education in some States may also include nursery school programs in elementary education and junior college curriculums in secondary education. The term ''other educational establishment'' includes special schools for mentally or physically disabled or gifted children, regardless of any classification of such schools as elementary, secondary or higher. Factors relevant in determining whether post-secondary career programs are educational institutions include whether the school is licensed by a state agency responsible for the state's educational system or accredited by a nationally recognized accrediting organization for career schools. Also, for purposes of the exemption, no distinction is drawn between public and private schools, or between those operated for profit and those that are not for profit.

(c) The phrase ''performing administrative functions directly related to academic instruction or training'' means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

(1) Employees engaged in academic administrative functions include: the superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program; the principal and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, etc.; academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and other employees with similar responsibilities.

(2) Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers or dietitians do not perform academic administrative functions. Although such work is not considered academic administration, such employees may qualify for exemption under §541.200 or under other sections of this part, provided the requirements for such exemptions are met.

## SUBPART D—PROFESSIONAL EMPLOYEES (§§ 541.300–541.304)

### §541.300 General rule for professional employees.

(a) The term ''employee employed in a bona fide professional capacity'' in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis pursuant to §541.600 at a rate of not less than $684 per week, exclusive of board, lodging or other facilities; and

(2) Whose primary duty is the performance of work:

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or

(ii) Requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

(b) The term ''salary basis'' is defined at §541.602; ''fee basis'' is defined at §541.605; ''board, lodging or other facilities'' is defined at §541.606; and ''primary duty'' is defined at §541.700.

### §541.301 Learned professionals.

(a) To qualify for the learned professional exemption, an employee's primary duty must be the performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction. This primary duty test includes three elements:

(1) The employee must perform work requiring advanced knowledge;

(2) The advanced knowledge must be in a field of science or learning; and

(3) The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

(b) The phrase ''work requiring advanced knowledge'' means work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment, as distinguished from performance of routine mental, manual, mechanical or physical work. An employee who performs work requiring advanced knowledge generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level.

(c) The phrase ''field of science or learning'' includes the traditional professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status as distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning.

(d) The phrase ''customarily acquired by a prolonged course of specialized intellectual instruction'' restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree. However, the word ''customarily'' means that the exemption is also available to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degreed employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry. However, the learned professional exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. The learned professional exemption also does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction.

(e)(1) Registered or certified medical technologists. Registered or certified medical technologists who have successfully completed three academic years of pre-professional study in an accredited college or university plus a fourth year of professional course work in a school of medical technology approved by the Council of Medical Education of the American Medical Association generally meet the duties requirements for the learned professional exemption.

(2) Nurses. Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption. Licensed practical nurses and other similar health care employees, however, generally do not qualify as exempt learned professionals because possession of a specialized advanced academic degree is not a standard prerequisite for entry into such occupations.

(3) Dental hygienists. Dental hygienists who have successfully completed four academic years of pre-professional and professional study in an accredited college or university approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association generally meet the duties requirements for the learned professional exemption.

(4) Physician assistants. Physician assistants who have successfully completed four academic years of pre-professional and professional study, including graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, and who are certified by the National Commission on Certification of Physician Assistants generally meet the duties requirements for the learned professional exemption.

(5) Accountants. Certified public accountants generally meet the duties requirements for the learned professional exemption. In addition, many other accountants who are not certified public accountants but perform similar job duties may qualify as exempt learned professionals. However, accounting clerks, bookkeepers and other employees who normally perform a great deal of routine work generally will not qualify as exempt professionals.

(6) Chefs. Chefs, such as executive chefs and sous chefs, who have attained a four-year specialized academic degree in a culinary arts program, generally meet the duties requirements for the learned professional exemption. The learned professional exemption is not available to cooks who perform predominantly routine mental, manual, mechanical or physical work.

(7) Paralegals. Paralegals and legal assistants generally do not qualify as exempt learned professionals because an advanced specialized academic degree is not a standard prerequisite for entry into the field. Although many paralegals possess general four-year advanced degrees, most specialized paralegal programs are two-year associate degree programs from a community college or equivalent institution. However, the learned professional exemption is available for paralegals who possess advanced specialized degrees in other professional fields and apply advanced knowledge in that field in the performance of their duties. For example, if a law firm hires an engineer as a paralegal to provide expert advice on product liability cases or to assist on patent matters, that engineer would qualify for exemption.

(8) Athletic trainers. Athletic trainers who have successfully completed four academic years of pre-professional and professional study in a specialized curriculum accredited by the Commission on Accreditation of Allied Health Education Programs and who are certified by the Board of Certification of the

National Athletic Trainers Association Board of Certification generally meet the duties requirements for the learned professional exemption.

(9) **Reserved.**

(f) The areas in which the professional exemption may be available are expanding. As knowledge is developed, academic training is broadened and specialized degrees are offered in new and diverse fields, thus creating new specialists in particular fields of science or learning. When an advanced specialized degree has become a standard requirement for a particular occupation, that occupation may have acquired the characteristics of a learned profession. Accrediting and certifying organizations similar to those listed in paragraphs (e)(1), (e)(3), (e)(4) and (e)(8) of this section also may be created in the future. Such organizations may develop similar specialized curriculums and certification programs which, if a standard requirement for a particular occupation, may indicate that the occupation has acquired the characteristics of a learned profession.

**§ 541.302 Creative professionals.**

(a) To qualify for the creative professional exemption, an employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical or physical work. The exemption does not apply to work which can be produced by a person with general manual or intellectual ability and training.

(b) To qualify for exemption as a creative professional, the work performed must be ''in a recognized field of artistic or creative endeavor.'' This includes such fields as music, writing, acting and the graphic arts.

(c) The requirement of ''invention, imagination, originality or talent'' distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. The duties of employees vary widely, and exemption as a creative professional depends on the extent of the invention, imagination, originality or talent exercised by the employee. Determination of exempt creative professional status, therefore, must be made on a case-by-case basis. This requirement generally is met by actors, musicians, composers, conductors, and soloists; painters who at most are given the subject matter of their painting; cartoonists who are merely told the title or underlying concept of a cartoon and must rely on their own creative ability to express the concept; essayists, novelists, short-story writers and screen-play writers who choose their own subjects and hand in a finished piece of work to their employers (the majority of such persons are, of course, not employees but self-employed); and persons holding the more responsible writing positions in advertising agencies. This requirement generally is not met by a person who is employed as a copyist, as an ''animator'' of motion-picture cartoons, or as a retoucher of photographs, since such work is not properly described as creative in character.

(d) Journalists may satisfy the duties requirements for the creative professional exemption if their primary duty is work requiring invention, imagination, originality or talent, as opposed to work which depends primarily on intelligence, diligence and accuracy. Employees of newspapers, magazines, television and other media are not exempt creative professionals if they only collect, organize and record information that is routine or already public, or if they do not contribute a unique interpretation or analysis to a news product. Thus, for example, newspaper reporters who merely rewrite press releases or who write standard recounts of public information by gathering facts on routine community events are not exempt creative professionals. Reporters also do not qualify as exempt creative professionals if their work product is subject to substantial control by the employer. However, journalists may qualify as exempt creative professionals if their primary duty is performing on the air in radio, television or other electronic media; conducting investigative interviews; analyzing or interpreting public events; writing editorials, opinion columns or other commentary; or acting as a narrator or commentator.

**§ 541.303 Teachers.**

(a) The term ''employee employed in a bona fide professional capacity'' in section 13(a)(1) of the Act also means any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term ''educational establishment'' is defined in § 541.204(b).

(b) Exempt teachers include, but are not limited to: Regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

(c) The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the State to refer to different kinds of certificates. However, private schools and public schools are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

(d) The requirements of § 541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.

**§ 541.304 Practice of law or medicine.**

(a) The term ''employee employed in a bona fide professional capacity'' in section 13(a)(1) of the Act also shall mean:

(1) Any employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof; and

(2) Any employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of the profession.

(b) In the case of medicine, the exemption applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term ''physicians'' includes medical doctors including general practitioners and specialists, osteopathic physicians (doctors of osteopathy), podiatrists, dentists (doctors of dental medicine), and optometrists (doctors of optometry or bachelors of science in optometry).

(c) Employees engaged in internship or resident programs, whether or not licensed to practice prior to commencement of the program, qualify as exempt professionals if they enter such internship or resident programs after the earning of the appropriate degree required for the general practice of their profession.

(d) The requirements of § 541.300 and subpart G (salary requirements) of this part do not apply to the employees described in this section.

**SUBPART E–COMPUTER EMPLOYEES (§§ 541.400–541.402)**

**§ 541.400 General rule for computer employees.**

(a) Computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for exemption as professionals under section 13(a)(1) of the Act and under section 13(a)(17) of the Act. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

(b) The section 13(a)(1) exemption applies to any computer employee who is compensated on a salary or fee basis at a rate of not less than $684 per week, exclusive of board, lodging, or other facilities.

The section 13(a)(17) exemption applies to any computer employee compensated on an hourly basis at a rate of not less than $27.63 an hour. In addition, under either section 13(a)(1) or section 13(a)(17) of the Act, the exemptions apply only to computer employees whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills.

(c) The term ''salary basis'' is defined at § 541.602; ''fee basis'' is defined at § 541.605; ''board, lodging or other facilities'' is defined at § 541.606; and ''primary duty'' is defined at § 541.700.

**§ 541.401 Computer manufacture and repair.**

The exemption for employees in computer occupations does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in § 541.400(b), are also not exempt computer professionals.

**§ 541.402 Executive and administrative computer employees.**

Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties which qualify the employees for exemption under subpart B or subpart C of this part. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific or engineering problems of the employer or the employer's customers, constituents or stakeholders. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion or other change of status of the other programmers are given particular weight, generally meets the duties requirements for the executive exemption.

**SUBPART F—Reserved**

**SUBPART G—SALARY REQUIREMENTS (§§ 541.600–541.607)**

**§ 541.600 Amount of salary required.**

(a) To qualify as an exempt executive, administrative or professional employee under section 13(a)(1) of the Act, an employee must be compensated on a salary basis at a rate of not less than $684 per week, exclusive of board, lodging or other facilities. Administrative and professional employees may also be paid on a fee basis, as defined in § 541.605.

(b) The required amount of compensation per week may be translated into equivalent amounts for periods longer than one week. For example, the $684-per-week requirement will be met if the employee is compensated biweekly on a salary basis of not less than $1,368, semimonthly on a salary basis of not less than $1,482, or monthly on a salary basis of not less than $2,964. However, the shortest period of payment that will meet this compensation requirement is one week.

(c) In the case of academic administrative employees, the compensation requirement also may be met by compensation on a salary basis at a rate at least equal to the entrance salary for teachers in the educational establishment by which the employee is employed, as provided in § 541.204(a)(1).

(d) In the case of computer employees, the compensation requirement also may be met by compensation on an hourly basis at a rate not less than $27.63 an hour, as provided in § 541.400(b).

(e) In the case of professional employees, the compensation requirements in this section shall not apply to employees engaged as teachers (see § 541.303); employees who hold a valid license or certificate permitting the practice of law or medicine or any of their branches and are actually engaged in the practice thereof (see § 541.304); or to employees who hold the requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of the profession (see § 541.304). In the case of medical occupations, the exception from the salary or fee requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

**§ 541.601 Highly compensated employees.**

(a)(1) Beginning on the effective date of these Substantive Regulations, an employee with total annual compensation of at least $107,432 is deemed exempt under section 13(a)(1) of the Act if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee as identified in subparts B, C or D of this part.

(2) Where the annual period covers periods both prior to and after the effective date of these Substantive Regulations, the amount of total annual compensation due will be determined on a proportional basis.

(b)(1) ''Total annual compensation'' must include at least $684 per week paid on a salary or fee basis as set forth in §§ 541.602 and 541.605, except that § 541.602(a)(3) shall not apply to highly compensated employees. Total annual compensation may also include commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52–week period. Total annual compensation does not include board, lodging and other facilities as defined in § 541.606, and does not include payments for medical insurance, payments for life insurance, contributions to retirement plans and the cost of other fringe benefits.

(2) If an employee's total annual compensation does not total at least the amount specified in the applicable subsection of paragraph (a) by the last pay period of the 52-week period, the employer may, during the last pay period or within one month after the end of the 52-week period, make one final payment sufficient to achieve the required level. For example, for a 52-week period, an employee may earn $90,000 in base salary, and the employer may anticipate that the employee also will earn $17,432 in other payments. However, in the final quarter of the year, the employee actually only earns $12,000 in other payments. In this situation, the employer may within one month after the end of the year make a payment of at least $5,432 to the employee. Any such final payment made after the end of the 52-week period may count only toward the prior year's total annual compensation and not toward the total annual compensation in the year it was paid. If the employer fails to make such a payment, the employee does not qualify as a highly compensated employee, but may still qualify as exempt under subparts B, C, or D of this part.

(3) An employee who does not work a full year for the employer, either because the employee is newly hired after the beginning of the year or ends the employment before the end of the year, may qualify for exemption under this section if the employee receives a pro rata portion of the minimum amount established in paragraph (a) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (b)(2) of this section within one month after the end of employment.

(4) The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply.

(c) A high level of compensation is a strong indicator of an employee's exempt status, thus eliminating the need for a detailed analysis of the employee's job duties. Thus, a highly compensated employee will qualify for exemption if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part. An employee may qualify as a highly compensated executive employee, for example, if the employee customarily and regularly directs the work of two or more other employees, even though the employee does not meet all of the other requirements for the executive exemption under § 541.100.

(d) This section applies only to employees whose primary duty includes performing office or non-manual work. Thus, for example, non-management production-line workers and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers, laborers and other employees who perform work involving repetitive operations with their hands, physical skill and energy are not exempt under this section no matter how highly paid they might be.

**§ 541.602 Salary basis.**

(a) General rule. An employee will be considered to be paid on a ''salary basis'' within the meaning of this part if the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee's compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed.

(1) Subject to the exceptions provided in paragraph (b) of this section, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

(2) An employee is not paid on a salary basis if deductions from the employee's predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the employing office. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

(3) Up to ten percent of the salary amount required by § 541.600(a) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions, that are paid annually or more frequently. The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply. This provision does not apply to highly compensated employees under § 541.601.

(i) If by the last pay period of the 52-week period the sum of the employee's weekly salary plus nondiscretionary bonus, incentive, and commission payments received is less than 52 times the weekly salary amount required by § 541.600(a), the employer may make one final payment sufficient to achieve the required level no later than the next pay period after the end of the year. Any such final payment made after the end of the 52-week period may count only toward the prior year's salary amount and not toward the salary amount in the year it was paid.

(ii) An employee who does not work a full 52-week period for the employer, either because the employee is newly hired after the beginning of this period or ends the employment before the end of this period, may qualify for exemption if the employee receives a pro rata portion of the minimum amount established in paragraph (a)(3) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (a)(3)(i) of this section within one pay period after the end of employment.

(b) Exceptions. The prohibition against deductions from pay in the salary basis requirement is subject to the following exceptions:

(1) Deductions from pay may be made when an exempt employee is absent from work for one or more full days for personal reasons,

other than sickness or disability. Thus, if an employee is absent for two full days to handle personal affairs, the employee's salaried status will not be affected if deductions are made from the salary for two full-day absences. However, if an exempt employee is absent for one and a half days for personal reasons, the employer can deduct only for the one full-day absence.

(2) Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. The employer is not required to pay any portion of the employee's salary for full-day absences for which the employee receives compensation under the plan, policy or practice. Deductions for such full-day absences also may be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance thereunder. Thus, for example, if an employer maintains a short-term disability insurance plan providing salary replacement for 12 weeks starting on the fourth day of absence, the employer may make deductions from pay for the three days of absence before the employee qualifies for benefits under the plan; for the twelve weeks in which the employee receives salary replacement benefits under the plan; and for absences after the employee has exhausted the 12 weeks of salary replacement benefits.

(3) While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, attendance as a witness or temporary military leave, the employer can offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption.

(4) Deductions from pay of exempt employees may be made for penalties imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in explosive plants, oil refineries and coal mines.

(5) Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three days for violating a generally applicable written policy prohibiting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence.

(6) An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. In such weeks, the payment of an hourly or daily equivalent of the employee's full salary for the time actually worked will meet the requirement. However, employees are not paid on a salary basis within the meaning of these regulations if they are employed occasionally for a few days, and the employer pays them a proportionate part of the weekly salary when so employed.

(7) An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Rather, when an exempt employee takes unpaid leave under the Family and Medical Leave Act, an employer may pay a proportionate part of the full salary for time actually worked. For example, if an employee who normally works 40 hours per week uses four hours of unpaid leave under the Family and Medical Leave Act, the employer could deduct 10 percent of the employee's normal salary that week.

(c) When calculating the amount of a deduction from pay allowed under paragraph (b) of this section, the employer may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules under paragraph (b)(4) of this section may be made in any amount.

**§ 541.603 Effect of improper deductions from salary.**

(a) An employer who makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay employees on a salary basis. An actual practice of making improper deductions demonstrates that the employer did not intend to pay employees on a salary basis. The factors to consider when determining whether an employer has an actual practice of making improper deductions include, but are not limited to: the number of improper deductions, particularly as compared to the number of employee infractions warranting discipline; the time period during which the employer made improper deductions; the number and geographic location of employees whose salary was improperly reduced; the number and geographic location of managers responsible for taking the improper deductions; and whether the employer has a clearly communicated policy permitting or prohibiting improper deductions.

(b) If the facts demonstrate that the employer has an actual practice of making improper deductions, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. Employees in different job classifications or who work for different managers do not lose their status as exempt employees. Thus, for example, if a manager routinely docks the pay of engineers at that facility for partial-day personal absences, then all engineers at that facility whose pay could have been improperly docked by the manager would lose the exemption; engineers at other facilities or working for other managers, however, would remain exempt.

(c) Improper deductions that are either isolated or inadvertent will not result in loss of the exemption for any employees subject to such improper deductions, if the employer reimburses the employees for such improper deductions.

(d) If an employer has a clearly communicated policy that prohibits the improper pay deductions specified in § 541.602(a) and includes a complaint mechanism, reimburses employees for any improper deductions and makes a good faith commitment to comply in the future, such employer will not lose the exemption for any employees unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints. If an employer fails to reimburse employees for any improper deductions or continues to make improper deductions after receiving employee complaints, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. The best evidence of a clearly communicated policy is a written policy that was distributed to employees prior to the improper pay deductions by, for example, providing a copy of the policy to employees at the time of hire, publishing the policy in an employee handbook or publishing the policy on the employer's Intranet.

(e) This section shall not be construed in an unduly technical manner so as to defeat the exemption.

**§ 541.604 Minimum guarantee plus extras.**

(a) An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis. Thus, for example, an exempt employee guaranteed at least $684 each week paid on a salary basis may also receive additional compensation of a one percent commission on sales. An exempt employee also may receive a percentage of the sales or profits of the employer if the employment arrangement also includes a guarantee of at least $684 each week paid on a salary basis. Similarly, the exemption is not lost if an exempt employee who is guaranteed at least $684 each week paid on a salary basis also receives additional compensation based on hours worked for work beyond the normal workweek. Such additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

(b) An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned. The reasonable relationship test will be met if the weekly guarantee is roughly equivalent to the employee's usual earnings at the assigned hourly, daily or shift rate for the employee's normal scheduled workweek. Thus, for example, an exempt employee guaranteed compensation of at least $725 for any week in which the employee performs any work, and who normally works four or five shifts each week, may be paid $210 per shift without violating the $684-per-week salary basis requirement. The reasonable relationship requirement applies only if the employee's pay is computed on an hourly, daily or shift basis. It does not apply, for example, to an exempt store manager paid a guaranteed salary per week that exceeds the current salary level who also receives a commission of one-half percent of all sales in the store or five percent of the store's profits, which in some weeks may total as much as, or even more than, the guaranteed salary.

**§ 541.605 Fee basis.**

(a) Administrative and professional employees may be paid on a fee basis, rather than on a salary basis. An employee will be considered to be paid on a ''fee basis'' within the meaning of these regulations if the employee is paid an agreed sum for a single job regardless of the time required for its completion. These payments resemble piecework payments with the important distinction that generally a ''fee'' is paid for the kind of job that is unique rather than for a series of jobs repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payments based on the number of hours or days worked and

not on the accomplishment of a given single task are not considered payments on a fee basis.

(b) To determine whether the fee payment meets the minimum amount of salary required for exemption under these regulations, the amount paid to the employee will be tested by determining the time worked on the job and whether the fee payment is at a rate that would amount to at least the minimum salary per week, as required by §§ 541.600(a) and 541.602(a), if the employee worked 40 hours. Thus, an artist paid $350 for a picture that took 20 hours to complete meets the $684 minimum salary requirement for exemption since earnings at this rate would yield the artist $700 if 40 hours were worked.

**§ 541.606 Board, lodging or other facilities.**

(a) To qualify for exemption under section 13(a)(1) of the Act, an employee must earn the minimum salary amount set forth in § 541.600, ''exclusive of board, lodging or other facilities.'' The phrase ''exclusive of board, lodging or other facilities'' means ''free and clear'' or independent of any claimed credit for non-cash items of value that an employer may provide to an employee. Thus, the costs incurred by an employer to provide an employee with board, lodging or other facilities may not count towards the minimum salary amount required for exemption under this part 541. Such separate transactions are not prohibited between employers and their exempt employees, but the costs to employers associated with such transactions may not be considered when determining if an employee has received the full required minimum salary payment.

(b) Regulations defining what constitutes ''board, lodging, or other facilities'' are contained in 29 CFR part 531. As described in 29 CFR 531.32, the term ''other facilities'' refers to items similar to board and lodging, such as meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees; meals, dormitory rooms, and tuition furnished by a college to its student employees; merchandise furnished at company stores or commissaries, including articles of food, clothing, and household effects; housing furnished for dwelling purposes; and transportation furnished to employees for ordinary commuting between their homes and work.

**§ 541.607—Reserved.**

**SUBPART H—DEFINITIONS AND MISCELLANEOUS PROVISIONS (§§ 541.700–541.710)**

**§ 541.700 Primary duty.**

(a) To qualify for exemption under this part, an employee's ''primary duty'' must be the performance of exempt work. The term ''primary duty'' means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

**§ 541.701 Customarily and regularly.**

The phrase ''customarily and regularly'' means a frequency that must be greater than occasional but which, of course, may be less than constant. Tasks or work performed ''customarily and regularly'' includes work normally and recurrently performed every workweek; it does not include isolated or one-time tasks.

**§ 541.702 Exempt and nonexempt work.**

The term ''exempt work'' means all work described in §§ 541.100, 541.101, 541.200, 541.300, 541.301, 541.302, 541.303, 541.304, and 541.400, and the activities directly and closely related to such work. All other work is considered ''nonexempt.''

**§ 541.703 Directly and closely related.**

(a) Work that is ''directly and closely related'' to the performance of exempt work is also considered exempt work. The phrase ''directly and closely related'' means tasks that are related to exempt duties and that contribute to or facilitate performance of exempt work. Thus, ''directly and closely related'' work may include physical tasks and menial tasks that arise out of exempt duties, and the routine work without which the exempt employee's exempt work cannot be performed properly. Work ''directly and closely related'' to the performance of exempt duties may also include recordkeeping; monitoring and adjusting machinery; taking notes; using the computer to create documents or presentations; opening the mail for the purpose of reading it and making decisions; and using a photocopier or fax machine. Work is not ''directly and closely related'' if the work is remotely related or completely unrelated to exempt duties.

(b) The following examples further illustrate the type of work that is and is not normally considered as directly and closely related to exempt work:

(1) Keeping time, production or sales records for subordinates is work directly and closely related to an exempt executive's function of managing a department and supervising employees.

(2) The distribution of materials, merchandise or supplies to maintain control of the flow of and expenditures for such items is directly and closely related to the performance of exempt duties.

(3) A supervisor who spot checks and examines the work of subordinates to determine whether they are performing their duties properly, and whether the product is satisfactory, is performing work which is directly and closely related to managerial and supervisory functions, so long as the checking is distinguishable from the work ordinarily performed by a nonexempt inspector.

(4) A supervisor who sets up a machine may be engaged in exempt work, depending upon the nature of the industry and the operation. In some cases the setup work, or adjustment of the machine for a particular job, is typically performed by the same employees who operate the machine. Such setup work is part of the production operation and is not exempt. In other cases, the setting up of the work is a highly skilled operation which the ordinary production worker or machine tender typically does not perform. In large plants, non-supervisors may perform such work. However, particularly in small plants, such work may be a regular duty of the executive and is directly and closely related to the executive's responsibility for the work performance of subordinates and for the adequacy of the final product. Under such circumstances, it is exempt work.

(5) A department manager in a retail or service establishment who walks about the sales floor observing the work of sales personnel under the employee's supervision to determine the effectiveness of their sales techniques, checks on the quality of customer service being given, or observes customer preferences is performing work which is directly and closely related to managerial and supervisory functions.

(6) A business consultant may take extensive notes recording the flow of work and materials through the office or plant of the client; after returning to the office of the employer, the consultant may personally use the computer to type a report and create a proposed table of organization. Standing alone, or separated from the primary duty, such note-taking and typing would be routine in nature. However, because this work is necessary for analyzing the data and making recommendations, the work is directly and closely related to exempt work. While it is possible to assign note-taking and typing to nonexempt employees, and in fact it is frequently the practice to do so, delegating such routine tasks is not required as a condition of exemption.

(7) A manager who makes and administers the budget policy of the employing office, establishes spending limits for the employing office, and authorizes expenditures would be performing work exempt under § 541.200. Work that is directly and closely related to these exempt duties may include checking the status of accounts to determine whether the credit limit would be exceeded by the shipment of a new order, removing credit reports from the files for analysis, and writing letters giving credit data and experience to other employers or credit agencies.

(8) A traffic manager in charge of planning a company's transportation, including the most economical and quickest routes for shipping merchandise to and from the plant, contracting for common-carrier and other transportation facilities, negotiating with carriers for adjustments for damages to merchandise, and making the necessary rearrangements resulting from delays, damages or irregularities in transit, is performing exempt work. If the employee also spends part of the day taking telephone orders for local deliveries, such order-taking is a routine function and is not directly and closely related to the exempt work.

(9) An example of work directly and closely related to exempt professional duties is a chemist performing menial tasks such as cleaning a test tube in the middle of an original experiment, even though such menial tasks can be assigned to laboratory assistants.

(10) A teacher performs work directly and closely related to exempt duties when, while taking students on a field trip, the teacher drives a school van or monitors the students' behavior in a restaurant.

**§ 541.704 Use of manuals.**

The use of manuals, guidelines or other established procedures containing or relating to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills does not preclude exemption under section 13(a)(1) of the Act or the regulations in this part. Such manuals and procedures provide guidance in addressing difficult or novel circumstances and thus use of such reference material would not affect an employee's exempt status. The section 13(a)(1) exemptions are not available, however, for employees who simply apply well-established techniques or procedures described in manuals or other sources within closely prescribed limits to determine the correct response to an inquiry or set of circumstances.

**§ 541.705 Trainees.**

The executive, administrative, professional, and computer employee exemptions do not apply to employees training for employment in an executive, administrative, professional, or computer employee capacity who are not actually performing the duties of an executive, administrative, professional, or computer employee.

**§ 541.706 Emergencies.**

(a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.

(b) An ''emergency'' does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate.

(c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work:

(1) **Reserved.**

(2) Assisting nonexempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work.

(3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the location and of the executive's department, the nature of the work performed by the employing office, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly.

(4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work if the breakdown of or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

**§ 541.707 Occasional tasks.**

Occasional, infrequently recurring tasks that cannot practicably be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

**§ 541.708 Combination exemptions.**

Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.

**§ 541.709 Reserved.**

**§ 541.710 Effect of certain deductions on exempt employee pay.**

(a) An employee who otherwise meets the salary basis requirements of §541.602 shall not be disqualified from exemption under §§541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

(1) Permission for its use has not been sought or has been sought and denied;

(2) Accrued leave has been exhausted; or

(3) The employee chooses to use leave without pay.

(b) Deductions from the pay of an employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

## NOTICE OF ISSUANCE OF FINAL REGULATIONS

FEBRUARY 28, 2023.

Re Notice of Issuance of Final Regulations Pursuant to the Congressional Accountability Act.

Hon. KEVIN MCCARTHY,
*Office of the Speaker of the House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: On December 14, 2022, the House of Representatives adopted House Resolution 1516, thereby approving the regulations adopted by the Board of Directors of the Office of Congressional Workplace Rights that were promulgated under section 202(e)(1) of the Congressional Accountability Act (CAA), 2 U.S.C. §1312(e)(1), to the extent such regulations are consistent with the provisions of the CAA. The approved regulations govern family and medical leave for employees in the House.

Section 304 of the CAA, (2 U.S.C. §1384) provides that, after congressional approval of substantive regulations, the Board shall submit the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate. Accordingly, on behalf of the Board of Directors of the Office of Congressional Workplace Rights, I am transmitting the enclosed Notice of Issuance of Final Regulations, together with a copy of the final regulations.

Pursuant to section 304, the Board also requests that the enclosed notice be published in the *Congressional Record* on the first day on which both the House and the Senate are in session following this transmittal.

Sincerely,

BARBARA CHILDS WALLACE,
*Chair of the Board of Directors,*
*Office of Congressional Workplace Rights.*

Attachment.

NOTICE OF ISSUANCE OF FINAL REGULATIONS

The Congressional Accountability Act of 1995 (CAA) was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of 14 federal labor and employment law statutes to covered congressional employees and employing offices. Section 202 of the CAA addresses the application of the Family and Medical Leave Act of 1993. Section 202(a) of the CAA applies the rights, protections, and responsibilities established under sections 101 through 105 of the Family and Medical Leave Act (29 U.S.C. 2611 through 2615) to employing offices, covered employees, and representatives of covered employees. Application of provisions of section 102 of the Family and Medical Leave Act is subject to section 202(d) of the CAA. Section 202(e) of the Act requires the Board of Directors of the Office of Congressional Workplace Rights (Board) to issue regulations to implement section 202.

The Board, pursuant to section 202(e)(1), adopted and submitted the Regulations Relating to the House of Representatives and Its Employing Offices for publication in the *Congressional Record*. Publication was effectuated on September 28, 2022. The Regulations are attached to this notice.

Pursuant to section 304 of the CAA, 2 U.S.C. §1384, approved regulations become effective not less than 60 days after the date on which they are published in the *Congressional Record*. Although the Board has the authority to provide for an earlier effective date for good cause found, the Board does not find good cause to provide for an earlier effective date for these regulations. Therefore, these regulations will become effective 60 days after the date on which they are published in the *Congressional Record*.

Accordingly, having now been approved by the House, the Board submits its regulations to the Speaker of the House of Representatives and the President Pro Tem of the Senate for publication in the *Congressional Record*.

BARBARA CHILDS WALLACE,
*Chair of the Board of Directors,*
*Office of Congressional Workplace Rights.*

H SERIES REGULATIONS OF THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS EXTENDING RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993, AS AMENDED

**Part 825—Family and Medical Leave**

**§ 825.1 Purpose and scope.**

(a) Section 202 of the Congressional Accountability Act (CAA) (2 U.S.C. 1312) applies the rights and protections of sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA) (29 U.S.C. 2611–2615) to covered employees. (The term ''covered employee'' is defined in section 101(3) of the CAA (2 U.S.C. 1301(3)). See §825.102 of these regulations for that definition.) The purpose of this part is to set forth the regulations to carry out the provisions of section 202 of the CAA.

(b) These regulations are issued by the Board of Directors (Board) of the Office of Congressional Workplace Rights, pursuant to sections 202(d) and 304 of the CAA, which direct the Board to promulgate regulations implementing section 202 that are ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of section 202 of the CAA except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' The regulations issued by the Board herein are on all matters for which section 202 of the CAA requires regulations to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of the promulgation of these regulations, that, with the exception of regulations adopted and set forth herein, there are no other ''substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of section 202 of the CAA''

(c) On December 20, 2019, Congress enacted the Federal Employee Paid Leave Act (subtitle A of title LXXVI of division F of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116–92, December 20, 2019) (FEPLA). FEPLA amended the FMLA to allow most Federal employees, including eligible employees in the legislative branch, to substitute up to 12 weeks of paid parental leave (PPL) for unpaid FMLA leave granted in connection with the birth of an employee's son or daughter or for the placement of a son or daughter with an employee for adoption or foster care.

In order to implement FEPLA in the legislative branch, the Board is amending its substantive FMLA regulations pursuant to the CAA rulemaking procedures set forth at sections 202(d) and 304 of the CAA. The Secretary of Labor has not promulgated FEPLA regulations, however, because FEPLA does not extend PPL to private sector employees or other employees directly covered by FMLA title I. The Board has determined that these circumstances constitute good cause for modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to covered employees in the legislative branch.

(d) In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

(e) Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to recommend to Congress a method of approval for these regulations. As the Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, it therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

**SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT**

**§ 825.100 The Family and Medical Leave Act.**

(a) The Family and Medical Leave Act of 1993 (FMLA), as made applicable by the Congressional Accountability Act (CAA), allows eligible employees of an employing office to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months (See §825.200(b)) because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, because the employee's own serious health condition makes the employee unable to perform the functions of his or her job, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible employees of a covered employing office may take job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 26 workweeks in a single 12–month period to care for a covered servicemember with a serious injury or illness. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

(b) An employee on FMLA leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If an employee was paying all or part of the premium payments prior to leave, the employee would continue to pay his or her share during the leave period. Subject to §825.208(k), the employing office or a disbursing or other financial office may recover its share only if the employee does not return to work for a reason other than the serious health condition of the employee or the employee's covered family member, the serious injury or illness of a covered servicemember, or another reason beyond the employee's control.

(c) An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

(d) The employing office generally has a right to advance notice from the employee. In addition, the employing office may require an employee to submit certification to substantiate that the leave is due to the serious health condition of the employee or the employee's covered family member, due to the serious injury or illness of a covered servicemember, or because of a qualifying exigency. Failure to comply with these requirements may result in a delay in the start of FMLA leave. Pursuant to a uniformly applied policy, the employing office may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition (See §§825.312 and 825.313)). The employing office may delay restoring the employee to employment without such certificate relating to the health condition which caused the employee's absence.

**§825.101 Purpose of the FMLA.**

(a) FMLA is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for medical reasons, for the birth or adoption of a child, for the care of a child, spouse, or parent who has a serious health condition, for the care of a covered servicemember with a serious injury or illness, or because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status. The FMLA is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. It was intended that the FMLA accomplish these purposes in a manner that accommodates the legitimate interests of employing offices, and in a manner consistent with the Equal Protection Clause of the Fourteenth Amendment in minimizing the potential for employment discrimination on the basis of sex, while promoting equal employment opportunity for men and women.

(b) The FMLA was predicated on two fundamental concerns-the needs of the American workforce, and the development of high-performance organizations. Increasingly, America's children and elderly are dependent upon family members who must spend long hours at work. When a family emergency arises, requiring workers to attend to seriously-ill children or parents, or to newly-born or adopted infants, or even to their own serious illness, workers need reassurance that they will not be asked to choose between continuing their employment, and meeting their personal and family obligations or tending to vital needs at home.

(c) The FMLA is both intended and expected to benefit employing offices as well as their employees. A direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations. When workers can count on durable links to their workplace they are able to make their own full commitments to their jobs. The record of hearings on family and medical leave indicate the powerful productive advantages of stable workplace relationships, and the comparatively small costs of guaranteeing that those relationships will not be dissolved while workers attend to pressing family health obligations or their own serious illness.

**§825.102 Definitions.**

For purposes of this part:

(1) ADA means the Americans with Disabilities Act (42 U.S.C. 12101 et seq., as amended), as made applicable by the Congressional Accountability Act.

(2) Birth means the delivery of a child. When the term ''birth'' under this subpart is used in connection with the use of leave before birth, it refers to an anticipated birth.

CAA means the Congressional Accountability Act of 1995 (Pub. Law 104–1, 109 Stat. 3, 2 U.S.C. 1301 et seq., as amended).

COBRA means the continuation coverage requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1986 (Pub. Law 99–272, title X, section 10002; 100 Stat. 227; 29 U.S.C. 1161–1168).

Contingency operation means a military operation that:

(1) Is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress. See also §825.126(a)(2).

Continuing treatment by a health care provider means any one of the following:

(1) Incapacity and treatment. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(i) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(ii) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(iii) The requirement in paragraphs (i) and (ii) of this definition for treatment by a health care provider means an in-person visit to a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity.

(iv) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30–day period shall be determined by the health care provider.

(v) The term ''extenuating circumstances'' in paragraph (i) means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. See also §825.115(a)(5).

(2) Pregnancy or prenatal care. Any period of incapacity due to pregnancy, or for prenatal care. See also §825.120.

(3) Chronic conditions. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(4) Permanent or long-term conditions. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(5) Conditions requiring multiple treatments. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(i) Restorative surgery after an accident or other injury; or

(ii) A condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

(6) Absences attributable to incapacity under paragraphs (2) or (3) of this definition qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Covered active duty or call to covered active duty status means:

(1) In the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and,

(2) In the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code,

which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. See 10 U.S.C. 101(a)(13)(B). See also §825.126(a).

Covered employee as defined in the CAA, means any employee of–(1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Congressional Workplace Rights; (9) the Library of Congress; (10) the Stennis Center for Public Service; (11) the Office of Technology Assessment; (12) the China Review Commission; (13) the Congressional Executive China Commission; (14) the Helsinki Commission; or (15) the United States Commission on International Religious Freedom.

Covered servicemember means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. See §825.127(b)(2).

Eligible employee as defined in the CAA, means:

(1) For purposes of leave under subparagraphs (a)(1) or (a)(2) of section §825.112 or subsections (A) or (B) of section 102(a)(1) of the FMLA a covered employee as defined in the CAA.

(2) For purposes of leave under subparagraphs (a)(3)–(6) of section §825.112 or subsections (C)–(F) of section 102(a)–(1) of the FMLA, a covered employee who has been employed for a total of at least 12 months in any employing office on the date on which any FMLA leave is to commence, except that an employing office need not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring of the employee, unless:

(i) The break in service is occasioned by the fulfillment of the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation (the period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office, but this section does not provide any greater entitlement to the employee than would be available under the USERRA, as made applicable by the CAA); or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (e.g., for purposes of the employee furthering his or her education or for childrearing purposes); and

(3) Who, on the date on which any FMLA leave is to commence, has met the hours of service requirement by having been employed for at least 1,250 hours of service with an employing office during the previous 12–month period, except that:

(i) An employee returning from fulfilling his or her USERRA-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining whether the employee met the hours of service requirement (accordingly, a person reemployed following absence from work due to or necessitated by USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12–month period to meet the hours of service requirement);

(ii) To determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations; and

(iii) Any service on active duty (as defined in 29 U.S.C. 2611(14)) by a covered employee who is a member of the National Guard or Reserves shall be counted as time during which such employee has been employed in an employing office for purposes of paragraph (3) of this section.

Employ means to suffer or permit to work.

Employee means an employee as defined by the CAA and includes an applicant for employment and a former employee.

Employee employed in an instructional capacity. See the definition of Teacher in this section.

Employee of the Capitol Police means any member or officer of the Capitol Police.

Employee of the House of Representatives means an individual occupying a position the pay for which is disbursed by the Chief Administrative Officer of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the Members' Representational Allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

Employee of the Office of the Architect of the Capitol means any employee of the Office of the Architect of the Capitol or the Botanic Garden.

Employee of the Senate means any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

Employing Office, as defined by the CAA, means:

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Library of Congress, the Stennis Center for Public Service, the Office of Technology Assessment, the United States Commission on International Religious Freedom, the China Review Commission, the Congressional Executive China Commission, and the Helsinki Commission.

Employment benefits means all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office or through an employee benefit plan. The term does not include non-employment related obligations paid by employees through voluntary deductions such as supplemental insurance coverage. See also §825.209(a).

Family and medical leave means an employee's entitlement of up to 12 workweeks (or 26 workweeks in the case of leave under §825.127) of unpaid leave for certain family and medical needs, as prescribed under the FMLA, as made applicable by the CAA.

FLSA means the Fair Labor Standards Act (29 U.S.C. 201 et seq.), as made applicable by the CAA.

FMLA means the Family and Medical Leave Act of 1993, Public Law 103–3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. 2601 et seq., as amended), as made applicable by the CAA.

Group health plan means the Federal Employees Health Benefits Program and any other plan of, or contributed to by, an employing office (including a self-insured plan) to provide health care (directly or otherwise) to the employing office's employees, former employees, or the families of such employees or former employees. For purposes of FMLA, as made applicable by the CAA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and,

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

Health care provider means:

(1) The FMLA, as made applicable by the CAA, defines health care provider as:

(i) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) Any other person determined by the Department of Labor to be capable of providing health care services.

(2) Others ''capable of providing health care services'' include only:

(i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(ii) Nurse practitioners, nurse-midwives and clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(iii) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(iv) Any health care provider from whom an employing office or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(v) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(3) The phrase ''authorized to practice in the State'' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

Incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in several of the ''activities of daily living'' (ADLs) or ''instrumental activities of daily living'' (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee: See the definition of Teacher in this section.

Intermittent leave means leave taken in separate periods of time due to a single illness or injury, birth, or placement, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

Invitational travel authorization (ITA) or Invitational travel order (ITO) mean orders issued by the Armed Forces to a family member to join an injured or ill servicemember at his or her bedside. See also §825.310(e).

Key employee means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite. See also §825.217.

Mental disability: See the definition of Physical or mental disability in this section.

Military caregiver leave means leave taken to care for a covered servicemember with a serious injury or illness under the Family and Medical Leave Act of 1993. See also §825.127.

Next of kin of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. See also §825.127(d)(3).

Office of Congressional Workplace Rights means the independent office established in the legislative branch under section 301 of the CAA (2 U.S.C. 1381).

Outpatient status means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. See also §825.127(b)(1).

Parent means a biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents ''in law.''

Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' See also §825.127(d)(2).

Physical or mental disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., as amended, provide guidance for these terms.

Reduced leave schedule means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Reserve components of the Armed Forces, for purposes of qualifying exigency leave, include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation. See also §825.126(a)(2)(i).

Secretary means the Secretary of Labor or authorized representative.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in §825.114 or continuing treatment by a health care provider as defined in §825.115. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of §825.113 are met.

Serious injury or illness means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(2) In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. See also §825.127(c).

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

Son or daughter of a covered servicemember means a covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. See also §825.127(d)(1).

Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. See also §825.126(a)(5).

Spouse means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

Teacher (or employee employed in an instructional capacity, or instructional employee) means an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

TRICARE is the health care program serving active duty servicemembers, National Guard and Reserve members, retirees, their families, survivors, and certain former spouses worldwide.

**§ 825.103 Reserved.**

**§ 825.104 Covered employing offices.**

The FMLA, as made applicable by the CAA, covers all employing offices. As used in the CAA, the term employing office means:

(a) The personal office of a Member of the House of Representatives or of a Senator;

(b) A committee of the House of Representatives or the Senate or a joint committee;

(c) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(d) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Library of Congress, the Stennis Center for Public Service, the China Review Commission, the Congressional Executive China Commission, the Helsinki Commission, the United States Commission on International Religious Freedom, and the Office of Technology Assessment.

**§ 825.105 Reserved.**

**§ 825.106 Joint employer coverage.**

(a) Where two or more employing offices exercise some control over the work or working conditions of the employee, the employing offices may be joint employers under FMLA, as made applicable by the CAA. Where the employee performs work which simultaneously benefits two or more employing offices, or works for two or more employing offices at different times during the workweek, a joint employment relationship generally will be considered to exist in situations such as:

(1) Where there is an arrangement between employing offices to share an employee's services or to interchange employees;

(2) Where one employing office acts directly or indirectly in the interest of the other employing office in relation to the employee; or

(3) Where the employing offices are not completely disassociated with respect to the employee's employment and may be deemed to share control of the employee, directly or indirectly, because one employing office controls, is controlled by, or is under common control with the other employing office.

(b) A determination of whether or not a joint employment relationship exists is not determined by the application of any single criterion, but rather the entire relationship is to be viewed in its totality. For example, joint employment will ordinarily be found to exist when:

(1) An employee, who is employed by an employing office other than the personal office of a Member of the House of Representatives or of a Senator, is under the actual direction and control of the Member of the House of Representatives or Senator; or

(2) Two or more employing offices employ an individual to work on common issues or other matters for both or all of them.

(c) When employing offices employ a covered employee jointly, they may designate one of themselves to be the primary employing office, and the other or others to be the secondary employing office(s). Such a designation shall be made by written notice to the covered employee.

(d) If an employing office is designated a primary employing office pursuant to paragraph (c) of this section, only that employing office is responsible for giving required notices to the covered employee, providing FMLA leave, and maintenance of health benefits. Job restoration is the primary responsibility of the primary employing office, and the secondary employing office(s) may, subject to the limitations in § 825.216, be responsible for accepting the employee returning from FMLA leave.

(e) If employing offices employ an employee jointly, but fail to designate a primary employing office pursuant to paragraph (c) of this section, then all of these employing offices shall be jointly and severally liable for giving required notices to the employee, for providing FMLA leave, for assuring that health benefits are maintained, and for job restoration. The employee may give notice of need for FMLA leave, as described in §§ 825.302 and 825.303, to whichever of these employing offices the employee chooses. If the employee makes a written request for restoration to one of these employing offices, that employing office shall be primarily responsible for job restoration, and the other employing office(s) may, subject to the limitations in § 825.216, be responsible for accepting the employee returning from FMLA leave.

**§ 825.107 Reserved.**

**§ 825.108 Reserved.**

**§ 825.109 Reserved.**

**§ 825.110 Eligible employee, general rule.**

(a) Subject to the exceptions provided in § 825.111, an eligible employee is a covered employee of an employing office who:

(1) Has been employed by any employing office for at least 12 months, and

(2) Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

(b) Any service on active duty (as defined in 29 U.S.C. 2611(14)) by a covered employee who is a member of the National Guard or Reserves shall be counted as time during which such employee has been employed in an employing office for purposes of paragraph (a)(1) and (2) of this section.

(c) The 12 months an employee must have been employed by any employing office need not be consecutive months, provided:

(1) Subject to the exceptions provided in paragraph (c)(2) of this section, employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by any employing office for at least 12 months.

(2) Employment periods preceding a break in service of more than seven years must be counted in determining whether the employee has been employed by any employing office for at least 12 months where:

(i) The employee's break in service is occasioned by the fulfillment of his or her Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation. The period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office. However, this section does not provide any greater entitlement to the employee than would be available under the USERRA; or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (e.g., for purposes of the employee furthering his or her education or for childrearing purposes).

(3) If an employee worked for two or more employing offices sequentially, the time worked will be aggregated to determine whether it equals 12 months.

(4) If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employing office (e.g., Federal Employees' Compensation, group health plan benefits, etc.), the week counts as a week of employment. For purposes of determining whether intermittent/occasional/casual employment qualifies as at least 12 months, 52 weeks is deemed to be equal to 12 months.

(5) Nothing in this section prevents employing offices from considering employment prior to a continuous break in service of more than seven years when determining whether an employee has met the 12-month employment requirement. However, if an employing office chooses to recognize such prior employment, the employing office must do so uniformly, with respect to all employees with similar breaks in service.

(d)(1) If an employee was employed by two or more employing offices, either sequentially or concurrently, the hours of service will be aggregated to determine whether the minimum of 1,250 hours has been reached.

(2) Except as provided in paragraph (c)(3) of this section, whether an employee has worked the minimum 1,250 hours of service is determined according to the principles established under the Fair Labor Standards Act (FLSA), as applied by section 203 of the CAA (2 U.S.C. 1313), for determining compensable hours of work. The determining factor is the number of hours an employee has worked for one or more employing offices as defined by the CAA. The determination is not limited by methods of recordkeeping, or by compensation agreements that do not accurately reflect all of the hours an employee has worked for or been in service to the employing office. Any accurate accounting of actual hours worked under the FLSA's principles, as made applicable by the CAA (2 U.S.C. 1313), may be used.

(3) An employee returning from USERRA-covered service shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining the employee's eligibility for FMLA-qualifying leave. Accordingly, a person reemployed following USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12-month period to meet the hours of service requirement. In order to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations.

(4) In the event an employing office does not maintain an accurate record of hours worked by an employee, including for employees who are exempt from the overtime requirements of the FLSA, as made applicable by the CAA and its regulations, the employing office has the burden of showing that

the employee has not worked the requisite hours. An employing office must be able to clearly demonstrate, for example, that full time teachers (See §825.102 for definition) of an elementary or secondary school system, or institution of higher education, or other educational establishment or institution (who often work outside the classroom or at their homes) did not work 1,250 hours during the previous 12 months in order to claim that the teachers are not covered or eligible for FMLA leave.

(e) The determination of whether an employee meets the hours of service requirement for any employing office and has been employed by any employing office for a total of at least 12 months, must be made as of the date the FMLA leave is to start. An employee may be on non-FMLA leave at the time he or she meets the 12-month eligibility requirement, and in that event, any portion of the leave taken for an FMLA-qualifying reason after the employee meets the eligibility requirement would be FMLA leave. See §825.300(b) for rules governing the content of the eligibility notice given to employees.

**§825.111 Eligible employee, birth or placement.**

For purposes of leave under subsections (A) or (B) of section 102(a)(1) of the FMLA, 29 USC 2612(a)(1)(A) or (B):

(a) an eligible employee is a covered employee of an employing office; and

(b) the eligibility requirements of section §825.110 shall not apply. See also §§825.120–21.

**§825.112 Qualifying reasons for leave, general rule.**

(a) Circumstances qualifying for leave. Employing offices covered by FMLA as made applicable by the CAA are required to grant leave to eligible employees:

(1) For birth of a son or daughter, and to care for the newborn child (See §825.120);

(2) For the placement of a son or daughter with the employee for adoption or foster care and the care of such son or daughter (See §825.121);

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition (See §§825.113 and 825.122);

(4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job (See §§825.113 and 825.123);

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status) (See §§825.122 and 825.126); and

(6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember (See §§825.122 and 825.127).

(b) Equal Application. The right to take leave under FMLA, as made applicable by the CAA, applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement for adoption, or foster care of a child.

(c) Active employee. In situations where the employing office/employee relationship has been interrupted, such as an employee who has been on layoff, the employee must be recalled or otherwise be re-employed before being eligible for FMLA leave. Under such circumstances, an eligible employee is immediately entitled to further FMLA leave for a qualifying reason.

**§825.113 Serious health condition.**

(a) For purposes of FMLA, serious health condition entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in §825.114 or continuing treatment by a health care provider as defined in §825.115.

(b) The term incapacity means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

(c) The term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bedrest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

(d) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this section are met.

**§825.114 Inpatient care.**

Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in §825.113(b), or any subsequent treatment in connection with such inpatient care.

**§825.115 Continuing treatment.**

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(a) Incapacity and treatment. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

(4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(5) The term extenuating circumstances in paragraph (a)(1) of this section means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

(b) Pregnancy or prenatal care. Any period of incapacity due to pregnancy, or for prenatal care. See also §825.120.

(c) Chronic conditions. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(d) Permanent or long-term conditions. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(e) Conditions requiring multiple treatments. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(1) Restorative surgery after an accident or other injury; or

(2) A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

(f) Absences attributable to incapacity under paragraphs (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

**§825.116 Reserved.**

**§825.117 Reserved.**

**§825.118 Reserved.**

**§825.119 Leave for treatment of substance abuse.**

(a) Substance abuse may be a serious health condition if the conditions of §§825.113 through 825.115 are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

(b) Treatment for substance abuse does not prevent an employing office from taking employment action against an employee. The employing office may not take action against the employee because the employee has exercised his or her right to take FMLA leave for treatment. However, if the employing office has an established policy, applied in a non-discriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for a covered family member who is receiving treatment for substance abuse. The employing office may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

**§ 825.120 Leave for pregnancy or birth.**

(a) General rules. Eligible employees are entitled to FMLA leave for pregnancy or birth of a son or daughter and to care for the newborn child as follows:

(1) Both parents are entitled to FMLA leave for the birth of their child.

(2) Both parents are entitled to FMLA leave to be with the healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. An employee's entitlement to FMLA leave for a birth expires at the end of the 12-month period beginning on the date of the birth. If the employing office permits bonding leave to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, both parents are entitled to FMLA leave even if the newborn does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newborn child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) The expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive calendar days.

(5) A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition. See §825.124.

(6) Both parents are entitled to FMLA leave if needed to care for a child with a serious health condition if the requirements of §§825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for their newborn child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(b) Intermittent and reduced schedule leave. An eligible employee may use intermittent or reduced schedule leave after the birth to be with a healthy newborn child only if the employing office agrees. For example, an employing office and employee may agree to a part-time work schedule after the birth. If the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the expectant mother or newborn child. See §§825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. See §825.121 for rules governing leave for adoption or foster care. See §825.601 for special rules applicable to instructional employees of schools.

**§ 825.121 Leave for adoption or foster care.**

(a) General rules. Eligible employees are entitled to FMLA leave for placement with the employee of a son or daughter for adoption or foster care and to care for the newly placed child as follows:

(1) Employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

(2) An employee's entitlement to leave for adoption or foster care expires at the end of the 12-month period beginning on the date of the placement. If the employing office permits leave for adoption or foster care to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, the employee is entitled to FMLA leave even if the adopted or foster child does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12–month period if the leave is taken for the placement of the employee's son or daughter or to care for the child after placement, for the birth of the employee's son or daughter or to care for the child after birth, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12–week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newly placed child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) An eligible employee is entitled to FMLA leave in order to care for an adopted or foster child with a serious health condition if the requirements of §§825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12–month FMLA leave period.

(b) Use of intermittent and reduced schedule leave. An eligible employee may use intermittent or reduced schedule leave after the placement of a healthy child for adoption or foster care only if the employing office agrees. Thus, for example, the employing office and employee may agree to a part-time work schedule after the placement for bonding purposes. If the employing office agrees to permit intermittent or reduced schedule leave for the placement for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the adopted or foster child. See §§825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. See §825.120 for general rules governing leave for pregnancy and birth of a child. See §825.601 for special rules applicable to instructional employees of schools.

**§ 825.122 Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember.**

(a) Covered servicemember means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. See §825.127(b)(2).

(b) Spouse means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

(c) Parent. Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (d) of this section. This term does not include parents ''in law.''

(d) Son or daughter. For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

(1) Incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (ADLs) or instrumental activities of daily living (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(2) Physical or mental disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., provide guidance for these terms.

(3) Persons who are ''in loco parentis'' include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

(e) Next of kin of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. See §825.127(d)(3).

(f) Adoption means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA leave. See §825.121 for rules governing leave for adoption.

(g) Foster care means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody. See §825.121 for rules governing leave for foster care.

(h) Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. See §825.126(a)(5).

(i) Son or daughter of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. See §825.127(d)(1).

(j) Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' See §825.127(d)(2).

(k) Documenting relationships. For purposes of confirmation of family relationship, the employing office may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The employing office is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

**§825.123 Unable to perform the functions of the position.**

(a) Definition. An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA), as amended and made applicable by Section 201(a) of the CAA (2 U.S.C. 1311(a)(3)). An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

(b) Statement of functions. An employing office has the option, in requiring certification from a health care provider, to provide a statement of the essential functions of the employee's position for the health care provider to review. A sufficient medical certification must specify what functions of the employee's position the employee is unable to perform so that the employing office can then determine whether the employee is unable to perform one or more essential functions of the employee's position. For purposes of the FMLA, the essential functions of the employee's position are to be determined with reference to the position the employee held at the time notice is given or leave commenced, whichever is earlier. See §825.306.

**§825.124 Needed to care for a family member or covered servicemember.**

(a) The medical certification provision that an employee is needed to care for a family member or covered servicemember encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care.

(b) The term also includes situations where the employee may be needed to substitute for others who normally care for the family member or covered servicemember, or to make arrangements for changes in care, such as transfer to a nursing home. The employee need not be the only individual or family member available to care for the family member or covered servicemember.

(c) An employee's intermittent leave or a reduced leave schedule necessary to care for a family member or covered servicemember includes not only a situation where the condition of the family member or covered servicemember itself is intermittent, but also where the employee is only needed intermittently—such as where other care is normally available, or care responsibilities are shared with another member of the family or a third party. See §§825.202–825.205 for rules governing the use of intermittent or reduced schedule leave.

**§825.125 Definition of health care provider.**

(a) The FMLA, as made applicable by the CAA, defines health care provider as:

(1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(2) Any other person determined by the Office of Congressional Workplace Rights to be capable of providing health care services.

(3) In making a determination referred to in subparagraph (a)(2), and absent good cause shown to do otherwise, the Office of Congressional Workplace Rights will follow any determination made by the Department of Labor (under section 101(6)1(B) of FMLA (29 U.S.C. 2611(6)(B))) that a person is capable of providing health care services, provided the determination by the Department of Labor was not made at the request of a person who was then a covered employee.

(b) Others capable of providing health care services include only:

(1) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(2) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(3) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(4) Any health care provider from whom an employing office or the employing office's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(5) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(c) The phrase authorized to practice in the State as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

**§ 825.126 Leave because of a qualifying exigency.**

(a) Eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

(1) Covered active duty or call to covered active duty status in the case of a member of the Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. The active duty orders of a member of the Regular components of the Armed Forces will generally specify if the member is deployed to a foreign country.

(2) Covered active duty or call to covered active duty status in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. See 10 U.S.C. 101(a)(13)(B).

(i) For purposes of covered active duty or call to covered active duty status, the Reserve components of the Armed Forces include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation pursuant to one of the provisions of law identified in paragraph (a)(2).

(ii) The active duty orders of a member of the Reserve components will generally specify if the military member is serving in support of a contingency operation by citation to the relevant section of Title 10 of the United States Code and/or by reference to the specific name of the contingency operation and will specify that the deployment is to a foreign country.

(3) Deployment of the member with the Armed Forces to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States, including international waters.

(4) A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States pursuant to one of the provisions of law identified in paragraph (a)(2) of this section.

(5) Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

(b) An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

(1) Short-notice deployment.

(i) To address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty seven or less calendar days prior to the date of deployment;

(ii) Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the military member is notified of an impending call or order to covered active duty;

(2) Military events and related activities.

(i) To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member; and

(ii) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member;

(3) Childcare and school activities. For the purposes of leave for childcare and school activities listed in (i) through (iv) of this paragraph, a child of the military member must be the military member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the military member stands in loco parentis, who is either under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative childcare for a child of the military member when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing childcare arrangement;

(ii) To provide childcare for a child of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To enroll in or transfer to a new school or day care facility a child of the military member when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a child of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member;

(4) Financial and legal arrangements.

(i) To make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and

(ii) To act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the military member's covered active duty status;

(5) Counseling. To attend counseling provided by someone other than a health care provider, for oneself, for the military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the military member;

(6) Rest and Recuperation.

(i) To spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment;

(ii) Leave taken for this purpose can be used for a period of 15 calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave;

(7) Post-deployment activities.

(i) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status; and

(ii) To address issues that arise from the death of the military member while on covered active duty status, such as meeting and recovering the body of the military member, making funeral arrangements, and attending funeral services;

(8) Parental care. For purposes of leave for parental care listed in (i) through (iv) of this paragraph, the parent of the military member must be incapable of self-care and must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age. A parent who is incapable of self-care means that the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative care for a parent of the military member when the parent is incapable of self-care and the covered active duty or call to covered active duty status of the military member necessitates a change in the existing care arrangement for the parent;

(ii) To provide care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To admit to or transfer to a care facility a parent of the military member when admittance or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member but not for routine or regular meetings;

(9) Additional activities. To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the employing office and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

**§ 825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave).**

(a) Eligible employees are entitled to FMLA leave to care for a covered servicemember with a serious illness or injury.

(b) Covered servicemember means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. Outpatient status means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

(2) A covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. An eligible employee must commence leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12–month period described in paragraph (e)(1) of this section may extend beyond the five-year period.

(3) For an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to the effective date of this Final Rule, the period between October 28, 2009 and the effective date of this Final Rule shall not count towards the determination of the five-year period for covered veteran status.

(c) A serious injury or illness means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

(2) In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces), and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(d) In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered servicemember.

(1) Son or daughter of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

(2) Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.''

(3) Next of kin of a covered servicemember means the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employing office is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to § 825.122(k).

(e) An eligible employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12–month period.

(1) The single 12–month period described in paragraph (e) of this section begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date, regardless of the method used by the employing office to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this single 12–month period, the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

(2) The leave entitlement described in paragraph (e) of this section is to be applied on a per-covered-servicemember, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12–month period. An eligible employee may take more than one period of 26 workweeks of leave to care for a covered servicemember with more than one serious injury or illness only when the serious injury or illness is a subsequent serious injury or illness. When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness of the same covered

servicemember, and the single 12–month periods corresponding to the different military caregiver leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each single 12–month period.

(3) An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12–month period described in paragraph (e) of this section, provided that the employee is entitled to no more than 12 workweeks of leave for one or more of the following: in connection with the birth of a son or daughter of the employee and in order to care for such son or daughter; in connection with the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency. Thus, for example, an eligible employee may, during the single 12–month period, take 16 workweeks of FMLA leave to care for a covered servicemember and 10 workweeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12–month period, even if the employee takes fewer than 14 workweeks of FMLA leave to care for a covered servicemember.

(4) In all circumstances, including for leave taken to care for a covered servicemember, the employing office is responsible for designating leave, paid or unpaid, as FMLA-qualifying, and for giving notice of the designation to the employee as provided in §825.300. In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the single 12–month period described in paragraph (e) of this section, the employing office must designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the single 12–month period described in paragraph (e) of this section must not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition. As is the case with leave taken for other qualifying reasons, employing offices may retroactively designate leave as leave to care for a covered servicemember pursuant to §825.301(d).

(f) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 26 workweeks of leave during the single 12–month period described in paragraph (e) of this section if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 26 workweeks of FMLA leave.

**SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT**

**§825.200 Amount of Leave.**

(a) Except in the case of leave to care for a covered servicemember with a serious injury or illness, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during any 12–month period for any one, or more, of the following reasons:

(1) The birth of the employee's son or daughter, and to care for the newborn child;

(2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition;

(4) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; and

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty).

(b) An employing office is permitted to choose any one of the following methods for determining the 12–month period in which the 12 weeks of leave entitlement described in paragraph (a) of this section occurs:

(1) The calendar year;

(2) Any fixed 12–month leave year, such as a fiscal year or a year starting on an employee's anniversary date;

(3) The 12–month period measured forward from the date any employee's first FMLA leave under paragraph (a) begins; or

(4) A ''rolling'' 12–month period measured backward from the date an employee uses any FMLA leave as described in paragraph (a).

(c) Under methods in paragraphs (b)(1) and (b)(2) of this section an employee would be entitled to up to 12 weeks of FMLA leave at any time in the fixed 12–month period selected. An employee could, therefore, take 12 weeks of leave at the end of the year and 12 weeks at the beginning of the following year. Under the method in paragraph (b)(3) of this section, an employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12–month period would begin the first time FMLA leave is taken after completion of any previous 12–month period. Under the method in paragraph (b)(4) of this section, the ''rolling'' 12–month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. However, beginning on February 1, 2009, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day of FMLA leave each day for four weeks, commencing February 1, 2009. The employee would also begin to recoup additional days beginning on June 1, 2009, and additional days beginning on December 1, 2009. Accordingly, employing offices using the rolling 12–month period may need to calculate whether the employee is entitled to take FMLA leave each time that leave is requested, and employees taking FMLA leave on such a basis may fall in and out of FMLA protection based on their FMLA usage in the prior 12 months. For example, in the example above, if the employee needs six weeks of leave for a serious health condition commencing February 1, 2009, only the first four weeks of the leave would be FMLA-protected.

(d)(1) Employing offices will be allowed to choose any one of the alternatives in paragraph (b) of this section for the leave entitlements described in paragraph (a) of this section provided the alternative chosen is applied consistently and uniformly to all employees. An employing office wishing to change to another alternative is required to give at least 60 days' notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. Under no circumstances may a new method be implemented in order to avoid the CAA's FMLA leave requirements.

(2) Reserved.

(e) If an employing office fails to select one of the options in paragraph (b) of this section for measuring the 12–month period for the leave entitlements described in paragraph (a), the option that provides the most beneficial outcome for the employee will be used. The employing office may subsequently select an option only by providing the 60–day notice to all employees of the option the employing office intends to implement. During the running of the 60–day period any other employee who needs FMLA leave may use the option providing the most beneficial outcome to that employee. At the conclusion of the 60–day period the employing office may implement the selected option.

(f) An eligible employee's FMLA leave entitlement is limited to a total of 26 workweeks of leave during a single 12–month period to care for a covered servicemember with a serious injury or illness. An employing office shall determine the single 12–month period in which the 26 weeks of leave entitlement described in this paragraph occurs using the 12–month period measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins. See §825.127(e)(1).

(g) During the single 12–month period described in paragraph (f), an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. See §825.127(e)(3).

(h) For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, if for some reason the employing office's business activity has temporarily ceased and employees generally are not expected to report for work for one or more weeks (e.g., a school closing two weeks for the Christmas/New Year holiday or the summer vacation or an employing office closing the office for repairs), the days the employing office's activities have ceased do not count against the employee's FMLA leave entitlement. Methods for determining an employee's 12–week leave entitlement are also described in §825.205.

(i)(1) If employing offices jointly employ an employee, and if they designate a primary employing office pursuant to §825.106(c), the primary employing office may choose any one of the alternatives in paragraph (b) of this section for measuring the 12–month period, provided that the alternative chosen is applied consistently and uniformly to all

employees of the primary employing office including the jointly employed employee.

(2) If employing offices fail to designate a primary employing office pursuant to §825.106(c), an employee jointly employed by the employing offices may, by so notifying one of the employing offices, select that employing office to be the primary employing office of the employee for purposes of the application of paragraphs (d) and (e) of this section.

(j) If, before beginning employment with an employing office, an employee had been employed by another employing office, the subsequent employing office may count against the employee's FMLA leave entitlement FMLA leave taken from the prior employing office, so long as the prior employing office properly designated the leave as FMLA under these regulations or other applicable requirements.

**§825.201 Leave to care for a parent.**

(a) General rule. An eligible employee is entitled to FMLA leave if needed to care for the employee's parent with a serious health condition. Care for parents-in-law is not covered by the FMLA. See §825.122(c) for definition of parent.

(b) Same employing office limitation. Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where the spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a parent, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition. See also §825.127(d).

**§825.202 Intermittent leave or reduced leave schedule.**

(a) Definition. FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

(b) Medical necessity. For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, if required by the employing office, addresses the medical necessity of intermittent leave or leave on a reduced leave schedule. See §§825.306, 825.310. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a serious health condition or of a covered servicemember's serious injury or illness, or for recovery from treatment or recovery from a serious health condition or a covered servicemember's serious injury or illness. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered servicemember with a serious injury or illness.

(1) Intermittent leave may be taken for a serious health condition of a spouse, parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered servicemember which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.

(2) Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a health care provider. See §§825.113 and 825.127.

(c) Birth or placement. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employing office agrees. Such a schedule reduction might occur, for example, where an employee, with the employing office's agreement, works part-time after the birth of a child, or takes leave in several segments. The employing office's agreement is not required, however, for leave during which the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. See §825.204 for rules governing transfer to an alternative position that better accommodates intermittent leave. See also §§825.120 (pregnancy) and 825.121 (adoption and foster care).

(d) Qualifying exigency. Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.

**§825.203 Scheduling of intermittent or reduced schedule leave.**

Eligible employees may take FMLA leave on an intermittent or reduced schedule basis when medically necessary due to the serious health condition of a covered family member or the employee or the serious injury or illness of a covered servicemember. See §825.202. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations.

**§825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave.**

(a) Transfer or reassignment. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered servicemember, including during a period of recovery from one's own serious health condition, a serious health condition of a spouse, parent, son, or daughter, or a serious injury or illness of a covered servicemember, or if the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. See §825.601 for special rules applicable to instructional employees of schools.

(b) Compliance. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and Federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced scheduled leave.

(c) Equivalent pay and benefits. The alternative position must have equivalent pay and benefits. An alternative position for these purposes does not have to have equivalent duties. The employing office may increase the pay and benefits of an existing alternative position, so as to make them equivalent to the pay and benefits of the employee's regular job. The employing office may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. For example, an employee desiring to take leave in increments of four hours per day could be transferred to a half-time job, or could remain in the employee's same job on a part-time schedule, paying the same hourly rate as the employee's previous job and enjoying the same benefits. The employing office may not eliminate benefits which otherwise would not be provided to part-time employees; however, an employing office may proportionately reduce benefits such as vacation leave where an employing office's normal practice is to base such benefits on the number of hours worked.

(d) Employing office limitations. An employing office may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee. For example, a white collar employee may not be assigned to perform laborer's work; an employee working the day shift may not be reassigned to the graveyard shift; an employee working in the headquarters facility may not be reassigned to a branch a significant distance away from the employee's normal job location. Any such attempt on the part of the employing office to make such a transfer will be held to be contrary to the prohibited acts provisions of the FMLA, as made applicable by the CAA.

(e) Reinstatement of employee. When an employee who is taking leave intermittently

or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee must be placed in the same or equivalent job as the job he or she left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

**§ 825.205 Increments of FMLA leave for intermittent or reduced schedule leave.**

(a) Minimum increment.

(1) When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the employing office must account for the leave using an increment no greater than the shortest period of time that the employing office uses to account for use of other forms of leave provided that it is not greater than one hour and provided further that an employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken. An employing office may not require an employee to take more leave than is necessary to address the circumstances that precipitated the need for the leave, provided that the leave is counted using the shortest increment of leave used to account for any other type of leave. See also §825.205(a)(2) for the physical impossibility exception, and §§825.600 and 825.601 for special rules applicable to employees of schools. If an employing office uses different increments to account for different types of leave, the employing office must account for FMLA leave in the smallest increment used to account for any other type of leave. For example, if an employing office accounts for the use of annual leave in increments of one hour and the use of sick leave in increments of one-half hour, then FMLA leave use must be accounted for using increments no larger than one-half hour. If an employing office accounts for use of leave in varying increments at different times of the day or shift, the employing office may also account for FMLA leave in varying increments, provided that the increment used for FMLA leave is no greater than the smallest increment used for any other type of leave during the period in which the FMLA leave is taken. If an employing office accounts for other forms of leave use in increments greater than one hour, the employing office must account for FMLA leave use in increments no greater than one hour. An employing office may account for FMLA leave in shorter increments than used for other forms of leave. For example, an employing office that accounts for other forms of leave in one hour increments may account for FMLA leave in a shorter increment when the employee arrives at work several minutes late, and the employing office wants the employee to begin work immediately. Such accounting for FMLA leave will not alter the increment considered to be the shortest period used to account for other forms of leave or the use of FMLA leave in other circumstances. In all cases, employees may not be charged FMLA leave for periods during which they are working.

(2) Where it is physically impossible for an employee using intermittent leave or working a reduced leave schedule to commence or end work mid-way through a shift, such as where a flight attendant or a railroad conductor is scheduled to work aboard an airplane or train, or a laboratory employee is unable to enter or leave a sealed ''clean room'' during a certain period of time and no equivalent position is available, the entire period that the employee is forced to be absent is designated as FMLA leave and counts against the employee's FMLA entitlement. The period of the physical impossibility is limited to the period during which the employing office is unable to permit the employee to work prior to a period of FMLA leave or return the employee to the same or equivalent position due to the physical impossibility after a period of FMLA leave. See §825.214.

(b) Calculation of leave.

(1) When an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. The actual workweek is the basis of leave entitlement. Therefore, if an employee who would otherwise work 40 hours a week takes off eight hours, the employee would use one-fifth (1/5) of a week of FMLA leave. Similarly, if a fulltime employee who would otherwise work eight hour days works four-hour days under a reduced leave schedule, the employee would use one half (1/2) week of FMLA leave each week. Where an employee works a parttime schedule or variable hours, the amount of FMLA leave that an employee uses is determined on a pro rata or proportional basis. If an employee who would otherwise work 30 hours per week, but works only 20 hours a week under a reduced leave schedule, the employee's 10 hours of leave would constitute one-third (1/3) of a week of FMLA leave for each week the employee works the reduced leave schedule. An employing office may convert these fractions to their hourly equivalent so long as the conversion equitably reflects the employee's total normally scheduled hours. An employee does not accrue FMLA-protected leave at any particular hourly rate. An eligible employee is entitled to up to a total of 12 workweeks of leave, or 26 workweeks in the case of military caregiver leave, and the total number of hours contained in those workweeks is necessarily dependent on the specific hours the employee would have worked but for the use of leave. See also §§825.601 and 825.602 on special rules for schools.

(2) If an employing office has made a permanent or long-term change in the employee's schedule (for reasons other than FMLA, and prior to the notice of need for FMLA leave), the hours worked under the new schedule are to be used for making this calculation.

(3) If an employee's schedule varies from week to week to such an extent that an employing office is unable to determine with any certainty how many hours the employee would otherwise have worked (but for the taking of FMLA leave), a weekly average of the hours worked over the 12 months prior to the beginning of the leave period (including any hours for which the employee took leave of any type) would be used for calculating the employee's leave entitlement.

(c) Overtime. If an employee would normally be required to work overtime, but is unable to do so because of a FMLA-qualifying reason that limits the employee's ability to work overtime, the hours which the employee would have been required to work may be counted against the employee's FMLA entitlement. In such a case, the employee is using intermittent or reduced schedule leave. For example, if an employee would normally be required to work for 48 hours in a particular week, but due to a serious health condition the employee is unable to work more than 40 hours that week, the employee would utilize eight hours of FMLA-protected leave out of the 48-hour workweek, or one-sixth (1/6) of a week of FMLA leave. Voluntary overtime hours that an employee does not work due to an FMLA qualifying reason may not be counted against the employee's FMLA leave entitlement.

**§ 825.206 Interaction with the FLSA, as made applicable by the Congressional Accountability Act.**

(a) Leave taken under FMLA, as made applicable by the CAA, may be unpaid. If an employee is otherwise exempt from minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), as made applicable by the CAA, and as exempt under regulations issued by the Board, at part 541, providing unpaid FMLA-qualifying leave to such an employee will not cause the employee to lose the FLSA exemption. This means that under regulations currently in effect, where an employee meets the specified duties test, is paid on a salary basis, and is paid a salary of at least the amount specified in the regulations, the employing office may make deductions from the employee's salary for any hours taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee.

(b) For an employee paid in accordance with a fluctuating workweek method of payment for overtime, where permitted by section 203 of the CAA (2 U.S.C. 1313), the employing office, during the period in which intermittent or reduced schedule FMLA leave is scheduled to be taken, may compensate an employee on an hourly basis and pay only for the hours the employee works, including time and one-half the employee's regular rate for overtime hours. The change to payment on an hourly basis would include the entire period during which the employee is taking intermittent leave, including weeks in which no leave is taken. The hourly rate shall be determined by dividing the employee's weekly salary by the employee's normal or average schedule of hours worked during weeks in which FMLA leave is not being taken. If an employing office chooses to follow this exception from the fluctuating workweek method of payment, the employing office must do so uniformly, with respect to all employees paid on a fluctuating workweek basis for whom FMLA leave is taken on an intermittent or reduced leave schedule basis. If an employing office does not elect to convert the employee's compensation to hourly pay, no deduction may be taken for FMLA leave absences. Once the need for intermittent or reduced scheduled leave is over, the employee may be restored to payment on a fluctuating workweek basis.

(c) This special exception to the salary basis requirements of the FLSA exemption or fluctuating workweek payment requirements applies only to employees of covered employing offices who are eligible for FMLA leave, and to leave which qualifies as FMLA leave. Hourly or other deductions which are not in accordance with the Board's FLSA regulations at part 541 or with a permissible fluctuating workweek method of payment for overtime may not be taken, for example, where the employee has not worked long enough to be eligible for FMLA leave without potentially affecting the employee's eligibility for exemption. Nor may deductions which are not permitted by the Board's FLSA regulations at part 541 or by a permissible fluctuating workweek method of payment for overtime be taken from such an employee's salary for any leave which does not qualify as FMLA leave, for example, deductions from an employee's pay for leave required under an employing office's policy or practice for a reason which does not qualify as FMLA leave, e.g., leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition or serious injury or illness; or for leave which is more generous than provided by the FMLA, as made applicable by the CAA. Employing offices may comply with the employing office's own policy/practice under these circumstances and maintain the employee's eligibility for exemption or for the fluctuating workweek method of pay by not taking hourly deductions from the employee's

pay, in accordance with FLSA requirements, as made applicable by the CAA, or may take such deductions, treating the employee as an hourly employee and pay overtime premium pay for hours worked over 40 in a workweek.

**§ 825.207 Substitution of paid leave, generally.**

(a) Generally, FMLA leave is unpaid leave. However, under the circumstances described in this section, the FMLA, as made applicable by the CAA, permits an eligible employee to choose to substitute accrued paid leave for unpaid FMLA leave. Subject to § 825.208, if an employee does not choose to substitute accrued paid leave, the employing office may require the employee to substitute accrued paid leave for unpaid FMLA leave. The term substitute means that the paid leave provided by the employing office, and accrued pursuant to established policies of the employing office, will run concurrently with the unpaid FMLA leave. Accordingly, the employee receives pay pursuant to the employing office's applicable paid leave policy during the period of otherwise unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employing office's normal leave policy. When an employee chooses, or an employing office requires, substitution of accrued paid leave, the employing office must inform the employee that the employee must satisfy any procedural requirements of the paid leave policy only in connection with the receipt of such payment. See § 825.300(c). If an employee does not comply with the additional requirements in an employing office's paid leave policy, the employee is not entitled to substitute accrued paid leave, but the employee remains entitled to take unpaid FMLA leave. Employing offices may not discriminate against employees on FMLA leave in the administration of their paid leave policies.

(b) If neither the employee nor the employing office elects to substitute paid leave for unpaid FMLA leave under the above conditions and circumstances, the employee will remain entitled to all the paid leave which is earned or accrued under the terms of the employing office's plan.

(c) If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the employee's FMLA leave entitlement. For example, paid sick leave used for a medical condition which is not a serious health condition or serious injury or illness does not count against the employee's FMLA leave entitlement.

(d) Leave taken pursuant to a disability leave plan would be considered FMLA leave for a serious health condition and counted in the leave entitlement permitted under FMLA if it meets the criteria set forth above in §§ 825.112 through 825.115. In such cases, the employing office may designate the leave as FMLA leave and count the leave against the employee's FMLA leave entitlement. Because leave pursuant to a disability benefit plan is not unpaid, the provision for substitution of the employee's accrued paid leave is inapplicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree to have paid leave supplement the disability plan benefits, such as in the case where a plan only provides replacement income for two-thirds of an employee's salary.

(e) The FMLA, as made applicable by the CAA, provides that a serious health condition may result from injury to the employee on or off the job. If the employing office designates the leave as FMLA leave in accordance with § 825.300(d), the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, the provision for substitution of the employee's accrued paid leave is not applicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree, to have paid leave supplement workers' compensation benefits, such as in the case where workers' compensation only provides replacement income for two-thirds of an employee's salary. If the health care provider treating the employee for the workers' compensation injury certifies the employee is able to return to a light duty job but is unable to return to the same or equivalent job, the employee may decline the employing office's offer of a light duty job. As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the employing office may require the use of accrued paid leave. See also §§ 825.210(f), 825.216(d), 825.220(d), 825.307(a) and 825.702 (d)(1) and (2) regarding the relationship between workers' compensation absences and FMLA leave.

(f) Under the FLSA, as made applicable by the CAA, an employing office always has the right to cash out an employee's compensatory time or to require the employee to use the time. Therefore, if an employee requests and is permitted to use accrued compensatory time to receive pay for time taken off for an FMLA reason, or if the employing office requires such use pursuant to the FLSA, the time taken may be counted against the employee's FMLA leave entitlement.

**§ 825.208 Substitution of paid leave-special rule for paid parental leave.**

(a) This section applies to births or placements occurring on or after October 1, 2020.

(b) This section provides the basis for determining the periods of unpaid leave for which paid parental leave or accrued paid leave may be substituted in connection with:

(1) The birth of a son or daughter, and to care for the newborn child (See § 825.120); or

(2) The placement of a son or daughter with the employee for adoption or foster care and the care of such son or daughter (See § 825.121);

(c) Leave connected to birth or placement. For unpaid leave described in paragraph (b) of this section, an employee may elect to substitute—

(1) Up to 12 workweeks of paid parental leave in connection with the occurrence of a birth or placement, and

(2) Any additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee.

(d) Leave entitlement. Since an employee may use only 12 weeks of unpaid FMLA leave in any 12-month period under § 825.200(a), any use of unpaid FMLA leave not associated with paid parental leave may affect an employee's ability to use the full 12 weeks of paid parental leave within a single 12-month period. The specific amount of paid parental leave available will depend on when the employee uses various types of unpaid FMLA leave relative to any 12-month period established under § 825.200(b).

(e) Employee entitlement to substitute.

(1) An employee is entitled to substitute paid leave for leave without pay as provided in paragraph (c) of this section.

(2) An employing office may not require that an employee first use all or any portion of the leave described in subparagraph (c)(2) of this section before being allowed to use the leave described in subparagraph (c)(1) of this section.

(3) An employing office may not require an employee to substitute paid leave for leave without pay as described in subparagraph (c)(2) of this section.

(4) An employee may request to use annual, vacation, personal, family, medical, or sick leave for the reasons described in paragraph (b) of this section without invoking family and medical leave, and, in that case, the employing office exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used. If the employing office grants the leave request, it must designate whether any leave granted is FMLA leave, in accordance with sections §§ 825.300 and 825.301.

(f) Notification by employee and retroactive substitution.

(1) An employee must notify the employing office of the employee's election to substitute paid leave for leave without pay under this section prior to the date such paid leave commences (i.e., no retroactive substitution), except as provided in paragraphs (f)(2) and (f)(3) of this section, and provided such retroactive substitution does not violate any applicable law or regulation.

(2) An employee may retroactively substitute paid leave for leave without pay as permitted in paragraph (c) of this section, if the substitution is made in conjunction with the retroactive granting of leave without pay.

(3) An employee may retroactively substitute transferred (donated) annual leave for leave without pay granted under this subpart.

(g) Pay during leave. The pay an employee receives when using paid parental leave shall be the same pay the employee would receive if the employee were using annual leave.

(h) Treatment of unused leave. If an employee has any unused balance of paid parental leave that remains at the end of the 12-month period following the birth or placement involved, the entitlement to the unused leave elapses at that time. No payment may be made for unused paid parental leave that has expired. Paid parental leave may not be considered annual leave for purposes of making a lump-sum payment for annual leave or for any other purpose. The forfeiture of any unused balance of paid parental leave does not impact an employee's ability to use unpaid FMLA leave for other qualifying reasons, if eligible pursuant to §§ 825.110, 825.112 and 825.200.

(i) Employing office responsibilities. An employing office that has employees covered by this subpart is responsible for the proper administration of § 825.208, including the responsibility of informing employees of their entitlements and obligations.

(j) Library of Congress. The OCWR will defer to supplemental regulations on paid parental leave issued by the Library of Congress pursuant to the authority in 29 USC 2617, provided those supplemental regulations are consistent with the regulations in this subpart.

(k) Work obligation. Paid parental leave under this subpart shall apply without regard to:

(1) the limitations in subparagraphs (E), (F), or (G) of section 6382(d)(2) of title 5, United States Code (requiring employees of executive branch agencies to agree in writing to work for the executive branch agency for at least 12 months after returning from leave); or

(2) the limitations in § 825.213 (permitting employing offices to recover an amount equal to the total amount of government contributions for maintaining such employee's health coverage if the employee fails to return from leave).

(l) Cases of employee incapacitation.

(1) If an employing office determines that an otherwise eligible employee who could have made an election for a past leave period to substitute paid parental leave (as provided in paragraph (c) of this section) was physically or mentally incapable of doing so during that past period, the employee may, within 5 workdays of the employee's return to duty status, make an election to substitute paid parental leave for applicable unpaid FMLA leave under paragraph (c) of this section on a retroactive basis, provided such retroactive substitution does not violate any applicable law or regulation. Such a retroactive election shall be effective on the date that such an election would have been effective if the employee had not been incapacitated at the time.

(2) If an employing office learns that an otherwise eligible employee is physically or mentally incapable of making an election to substitute paid parental leave (as provided in §825.207), the employing office must, upon the request of a personal representative of the employee, provide conditional approval of substitution of paid parental leave for applicable unpaid FMLA leave on a prospective basis. The conditional approval is based on the presumption that the employee would have elected to substitute paid parental leave for the applicable unpaid FMLA leave. An employee may, within 5 workdays of the employee's return to duty status, request to substitute other leave for the paid parental leave.

(m) Cases of multiple children born or placed in the same time period.

(1) If an employee has multiple children born or placed on the same day, the multiple-child birth/placement event is considered to be a single event that triggers a single entitlement of up to 12 weeks of paid parental leave under paragraph (d) of this section.

(2) If an employee has one or more children born or placed during the 12-month period following the date of an earlier birth or placement of a child of the employee, the provisions of this subpart shall be independently administered for each birth or placement event.

**§825.209 Maintenance of employee benefits.**

(a) During any FMLA leave, an employing office must maintain the employee's coverage under the Federal Employees Health Benefits Program or any group health plan (as defined in the Internal Revenue Code of 1986 at 26 U.S.C. 5000(b)(1)) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. All employing offices are subject to the requirements of the FMLA, as made applicable by the CAA, to maintain health coverage. The definition of group health plan is set forth in §825.102. For purposes of FMLA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

(b) The same group health plan benefits provided to an employee prior to taking FMLA leave must be maintained during the FMLA leave. For example, if family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., must be maintained during leave if provided in an employing office's group health plan, including a supplement to a group health plan, whether or not provided through a flexible spending account or other component of a cafeteria plan.

(c) If an employing office provides a new health plan or benefits or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan/benefits to the same extent as if the employee were not on leave. For example, if an employing office changes a group health plan so that dental care becomes covered under the plan, an employee on FMLA leave must be given the same opportunity as other employees to receive (or obtain) the dental care coverage. Any other plan changes (e.g., in coverage, premiums, deductibles, etc.) which apply to all employees of the workforce would also apply to an employee on FMLA leave.

(d) Notice of any opportunity to change plans or benefits must also be given to an employee on FMLA leave. If the group health plan permits an employee to change from single to family coverage upon the birth of a child or otherwise add new family members, such a change in benefits must be made available while an employee is on FMLA leave. If the employee requests the changed coverage it must be provided by the employing office.

(e) An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc. See §825.212(c).

(f) Except as required by the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) or 5 U.S.C. 8905a, whichever is applicable, and for key employees (as discussed below), an employing office's obligation to maintain health benefits during leave (and to restore the employee to the same or equivalent employment) under FMLA ceases if and when the employment relationship would have terminated if the employee had not taken FMLA leave (e.g., if the employee's position is eliminated as part of a nondiscriminatory reduction in force and the employee would not have been transferred to another position); an employee informs the employing office of his or her intent not to return from leave (including before starting the leave if the employing office is so informed before the leave starts); or the employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement in the 12–month period.

(g) If a key employee (See §825.218) does not return from leave when notified by the employing office that substantial or grievous economic injury will result from his or her reinstatement, the employee's entitlement to group health plan benefits continues unless and until the employee advises the employing office that the employee does not desire restoration to employment at the end of the leave period, or the FMLA leave entitlement is exhausted, or reinstatement is actually denied.

(h) An employee's entitlement to benefits other than group health benefits during a period of FMLA leave (e.g., holiday pay) is to be determined by the employing office's established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).

**§825.210 Employee payment of group health benefit premiums.**

(a) Group health plan benefits must be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Therefore, any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If premiums are raised or lowered, the employee would be required to pay the new premium rates. Maintenance of health insurance policies which are not a part of the employing office's group health plan, as described in §825.209(a), are the sole responsibility of the employee. The employee and the insurer should make necessary arrangements for payment of premiums during periods of unpaid FMLA leave.

(b) If the FMLA leave is substituted paid leave, the employee's share of premiums must be paid by the method normally used during any paid leave, presumably as a payroll deduction.

(c) If FMLA leave is unpaid, the employing office has a number of options for obtaining payment from the employee. The employing office may require that payment be made to the employing office or to the insurance carrier, but no additional charge may be added to the employee's premium payment for administrative expenses. The employing office may require employees to pay their share of premium payments in any of the following ways:

(1) Payment would be due at the same time as it would be made if by payroll deduction;

(2) Payment would be due on the same schedule as payments are made under COBRA or 5 U.S.C. 8905a, whichever is applicable;

(3) Payment would be prepaid pursuant to a cafeteria plan at the employee's option;

(4) The employing office's existing rules for payment by employees on leave without pay would be followed, provided that such rules do not require prepayment (i.e., prior to the commencement of the leave) of the premiums that will become due during a period of unpaid FMLA leave or payment of higher premiums than if the employee had continued to work instead of taking leave; or

(5) Another system voluntarily agreed to between the employing office and the employee, which may include prepayment of premiums (e.g., through increased payroll deductions when the need for the FMLA leave is foreseeable).

(d) The employing office must provide the employee with advance written notice of the terms and conditions under which these payments must be made. See §825.300(c).

(e) An employing office may not require more of an employee using unpaid FMLA leave than the employing office requires of other employees on leave without pay.

(f) An employee who is receiving payments as a result of a workers' compensation injury must make arrangements with the employing office for payment of group health plan benefits when simultaneously taking FMLA leave. See §825.207(e).

**§825.211 Maintenance of benefits under multi-employer health plans.**

(a) A multi-employer health plan is a plan to which more than one employing office is

required to contribute, and which is maintained pursuant to one or more collective bargaining agreements between employee organization(s) and the employing offices.

(b) An employing office under a multi-employer plan must continue to make contributions on behalf of an employee using FMLA leave as though the employee had been continuously employed, unless the plan contains an explicit FMLA provision for maintaining coverage such as through pooled contributions by all employing offices party to the plan.

(c) During the duration of an employee's FMLA leave, coverage by the group health plan, and benefits provided pursuant to the plan, must be maintained at the level of coverage and benefits which were applicable to the employee at the time FMLA leave commenced.

(d) An employee using FMLA leave cannot be required to use banked hours or pay a greater premium than the employee would have been required to pay if the employee had been continuously employed.

(e) As provided in §825.209(f) of this part, group health plan coverage must be maintained for an employee on FMLA leave until:

(1) The employee's FMLA leave entitlement is exhausted;

(2) The employing office can show that the employee would have been laid off and the employment relationship terminated; or

(3) The employee provides unequivocal notice of intent not to return to work.

**§825.212 Employee failure to pay health plan premium payments.**

(a)(1) In the absence of an established employing office policy providing a longer grace period, an employing office's obligations to maintain health insurance coverage cease under FMLA if an employee's premium payment is more than 30 days late. In order to drop the coverage for an employee whose premium payment is late, the employing office must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. If the employing office has established policies regarding other forms of unpaid leave that provide for the employing office to cease coverage retroactively to the date the unpaid premium payment was due, the employing office may drop the employee from coverage retroactively in accordance with that policy, provided the 15-day notice was given. In the absence of such a policy, coverage for the employee may be terminated at the end of the 30-day grace period, where the required 15-day notice has been provided.

(2) An employing office has no obligation regarding the maintenance of a health insurance policy which is not a group health plan. See §825.209(a).

(3) All other obligations of an employing office under FMLA would continue; for example, the employing office continues to have an obligation to reinstate an employee upon return from leave.

(b) The employing office may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the employing office maintains health coverage by paying the employee's share after the premium payment is missed.

(c) If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave the employing office must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. See §825.215(d)(1)–(5). In such case, an employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage. If an employing office terminates an employee's insurance in accordance with this section and fails to restore the employee's health insurance as required by this section upon the employee's return, the employing office may be liable for benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable relief tailored to the harm suffered.

**§825.213 Employing office recovery of benefit costs.**

(a) In addition to the circumstances discussed in §825.212(b), and subject to the exceptions provided in §825.208(k), an employing office may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to:

(1) The continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or

(2) Other circumstances beyond the employee's control. Examples of other circumstances beyond the employee's control are necessarily broad. They include such situations as where a parent chooses to stay home with a newborn child who has a serious health condition; an employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite; a relative or individual other than a covered family member has a serious health condition and the employee is needed to provide care; the employee is laid off while on leave; or, the employee is a key employee who decides not to return to work upon being notified of the employing office's intention to deny restoration because of substantial and grievous economic injury to the employing office's operations and is not reinstated by the employing office. Other circumstances beyond the employee's control would not include a situation where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care, or a parent chooses not to return to work to stay home with a well, newborn child.

(3) When an employee fails to return to work because of the continuation, recurrence, or onset of either a serious health condition of the employee or employee's family member, or a serious injury or illness of a covered servicemember, thereby precluding the employing office from recovering its (share of) health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave, the employing office may require medical certification of the employee's or the family member's serious health condition or the covered servicemember's serious injury or illness. Such certification is not required unless requested by the employing office. The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification. The employee is required to provide medical certification in a timely manner which, for purposes of this section, is within 30 days from the date of the employing office's request. For purposes of medical certification, the employee may use the optional forms developed for this purpose. See §§825.306(b), 825.310(c)–(d) and Forms A, B, and F. If the employing office requests medical certification and the employee does not provide such certification in a timely manner (within 30 days), or the reason for not returning to work does not meet the test of other circumstances beyond the employee's control, the employing office may recover 100 percent of the health benefit premiums it paid during the period of unpaid FMLA leave.

(b) Under some circumstances an employing office may elect to maintain other benefits, e.g., life insurance, disability insurance, etc., by paying the employee's (share of) premiums during periods of unpaid FMLA leave. For example, to ensure the employing office can meet its responsibilities to provide equivalent benefits to the employee upon return from unpaid FMLA leave, it may be necessary that premiums be paid continuously to avoid a lapse of coverage. If the employing office elects to maintain such benefits during the leave, at the conclusion of leave, the employing office is entitled to recover only the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

(c) An employee who returns to work for at least 30 calendar days is considered to have returned to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(d) When an employee elects or an employing office requires paid leave to be substituted for FMLA leave, the employing office may not recover its (share of) health insurance or other non-health benefit premiums for any period of FMLA leave covered by paid leave. Because paid leave provided under a plan covering temporary disabilities (including workers' compensation) is not unpaid, recovery of health insurance premiums does not apply to such paid leave.

(e) The amount that self-insured employing offices may recover is limited to only the employing office's share of allowable premiums as would be calculated under COBRA, excluding the two percent fee for administrative costs.

(f) When an employee fails to return to work, any health and non-health benefit premiums which this section of the regulations permits an employing office to recover are a debt owed by the non-returning employee to the employing office. The existence of this debt caused by the employee's failure to return to work does not alter the employing office's responsibilities for health benefit coverage and, under a self-insurance plan, payment of claims incurred during the period of FMLA leave. To the extent recovery is allowed, the employing office may recover the costs through deduction from any sums due to the employee (e.g., unpaid wages, vacation pay, etc.), provided such deductions do not otherwise violate applicable wage payment or other laws. Alternatively, the employing office may initiate legal action against the employee to recover such costs.

**§825.214 Employee right to reinstatement.**

General Rule. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. See also

§825.106(e) for the obligations of employing offices that are joint employers.

**§825.215 Equivalent position.**

(a) Equivalent position. An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges, prerequisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

(b) Conditions to qualify. If an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc., as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.

(c) Equivalent Pay.

(1) An employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with the employing office's policy or practice with respect to other employees on an equivalent leave status for a reason that does not qualify as FMLA leave. An employee is entitled to be restored to a position with the same or equivalent pay premiums, such as a shift differential. If an employee departed from a position averaging ten hours of overtime (and corresponding overtime pay) each week, an employee is ordinarily entitled to such a position on return from FMLA leave.

(2) Equivalent pay includes any bonus or payment, whether it is discretionary or nondiscretionary, made to employees consistent with the provisions of paragraph (c)(1) of this section. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then the employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

(d) Equivalent benefits. Benefits include all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office through an employee benefit plan.

(1) At the end of an employee's FMLA leave, benefits must be resumed in the same manner and at the same levels as provided when the leave began, and subject to any changes in benefit levels that may have taken place during the period of FMLA leave affecting the entire work force, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to requalify for any benefits the employee enjoyed before FMLA leave began (including family or dependent coverages). For example, if an employee was covered by a life insurance policy before taking leave but is not covered or coverage lapses during the period of unpaid FMLA leave, the employee cannot be required to meet any qualifications, such as taking a physical examination, in order to requalify for life insurance upon return from leave. Accordingly, some employing offices may find it necessary to modify life insurance and other benefits programs in order to restore employees to equivalent benefits upon return from FMLA leave, make arrangements for continued payment of costs to maintain such benefits during unpaid FMLA leave, or pay these costs subject to recovery from the employee on return from leave. See §825.213(b).

(2) An employee may, but is not entitled to, accrue any additional benefits or seniority during unpaid FMLA leave. Benefits accrued at the time leave began, however, (e.g., paid vacation, sick or personal leave to the extent not substituted for FMLA leave) must be available to an employee upon return from leave.

(3) If, while on unpaid FMLA leave, an employee desires to continue life insurance, disability insurance, or other types of benefits for which he or she typically pays, the employing office is required to follow established policies or practices for continuing such benefits for other instances of leave without pay. If the employing office has no established policy, the employee and the employing office are encouraged to agree upon arrangements before FMLA leave begins.

(4) With respect to pension and other retirement plans, any period of unpaid FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate. Also, if the plan requires an employee to be employed on a specific date in order to be credited with a year of service for vesting, contributions or participation purposes, an employee on unpaid FMLA leave on that date shall be deemed to have been employed on that date. However, unpaid FMLA leave periods need not be treated as credited service for purposes of benefit accrual, vesting and eligibility to participate.

(5) Employees on unpaid FMLA leave are to be treated as if they continued to work for purposes of changes to benefit plans. They are entitled to changes in benefits plans, except those which may be dependent upon seniority or accrual during the leave period, immediately upon return from leave or to the same extent they would have qualified if no leave had been taken. For example if the benefit plan is predicated on a pre-established number of hours worked each year and the employee does not have sufficient hours as a result of taking unpaid FMLA leave, the benefit is lost. (In this regard, §825.209 addresses health benefits.)

(e) Equivalent terms and conditions of employment. An equivalent position must have substantially similar duties, conditions, responsibilities, privileges and status as the employee's original position.

(1) The employee must be reinstated to the same or a geographically proximate worksite (i.e., one that does not involve a significant increase in commuting time or distance) from where the employee had previously been employed. If the employee's original worksite has been closed, the employee is entitled to the same rights as if the employee had not been on leave when the worksite closed. For example, if an employing office transfers all employees from a closed worksite to a new worksite in a different city, the employee on leave is also entitled to transfer under the same conditions as if he or she had continued to be employed.

(2) The employee is ordinarily entitled to return to the same shift or the same or an equivalent work schedule.

(3) The employee must have the same or an equivalent opportunity for bonuses, and other similar discretionary and non-discretionary payments.

(4) FMLA does not prohibit an employing office from accommodating an employee's request to be restored to a different shift, schedule, or position which better suits the employee's personal needs on return from leave, or to offer a promotion to a better position. However, an employee cannot be induced by the employing office to accept a different position against the employee's wishes.

(f) De minimis exception. The requirement that an employee be restored to the same or equivalent job with the same or equivalent pay, benefits, and terms and conditions of employment does not extend to de minimis, intangible, or unmeasurable aspects of the job.

**§825.216 Limitations on an employee's right to reinstatement.**

(a) An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An employing office must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment. For example:

(1) If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employing office's responsibility to continue FMLA leave, maintain group health plan benefits and restore the employee ceases at the time the employee is laid off, provided the employing office has no continuing obligations under a collective bargaining agreement or otherwise. An employing office would have the burden of proving that an employee would have been laid off during the FMLA leave period and, therefore, would not be entitled to restoration. Restoration to a job slated for lay-off when the employee's original position is not would not meet the requirements of an equivalent position.

(2) If a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours upon restoration. However, if a position on, for example, a night shift has been filled by another employee, the employee is entitled to return to the same shift on which employed before taking FMLA leave.

(3) If an employee was hired for a specific term or only to perform work on a discrete project, the employing office has no obligation to restore the employee if the employment term or project is over and the employing office would not otherwise have continued to employ the employee. On the other hand, if an employee was hired to perform work for one employing office for a specific time period, and after that time period has ended, the work was assigned to another employing office, the successor employing office may be required to restore the employee if it is a successor employing office.

(b) In addition to the circumstances explained above, an employing office may deny job restoration to salaried eligible employees (key employees, as defined in §825.217(c)), if such denial is necessary to prevent substantial and grievous economic injury to the operations of the employing office; or may delay restoration to an employee who fails to provide a fitness-for-duty certificate to return to work under the conditions described in §825.312.

(c) If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The employing office's obligations may, however, be governed by the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA. See §825.702.

(d) An employee who fraudulently obtains FMLA leave from an employing office is not

protected by the job restoration or maintenance of health benefits provisions of the FMLA, as made applicable by the CAA.

(e) If the employing office has a uniformly-applied policy governing outside or supplemental employment, such a policy may continue to apply to an employee while on FMLA leave. An employing office which does not have such a policy may not deny benefits to which an employee is entitled under FMLA, as made applicable by the CAA, on this basis unless the FMLA leave was fraudulently obtained as in paragraph (d) of this section.

**§ 825.217 Key employee, general rule.**

(a) A key employee is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite.

(b) The term salaried means paid on a salary basis, within the meaning of the Board's FLSA regulations at part 541, implementing section 203 of the CAA (2 U.S.C. 1313), regarding employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA, as made applicable by the CAA.

(c) A key employee must be among the highest paid 10 percent of all the employees-both salaried and non-salaried, eligible and ineligible—who are employed by the employing office within 75 miles of the worksite.

(1) In determining which employees are among the highest paid 10 percent, year-to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay, and non-discretionary and discretionary bonuses. Earnings do not include incentives whose value is determined at some future date, e.g., benefits or prerequisites.

(2) The determination of whether a salaried employee is among the highest paid 10 percent shall be made at the time the employee gives notice of the need for leave. No more than 10 percent of the employing office's employees within 75 miles of the worksite may be key employees.

**§ 825.218 Substantial and grievous economic injury.**

(a) In order to deny restoration to a key employee, an employing office must determine that the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the employing office, not whether the absence of the employee will cause such substantial and grievous injury.

(b) An employing office may take into account its ability to replace on a temporary basis (or temporarily do without) the employee on FMLA leave. If permanent replacement is unavoidable, the cost of then reinstating the employee can be considered in evaluating whether substantial and grievous economic injury will occur from restoration; in other words, the effect on the operations of the employing office of reinstating the employee in an equivalent position.

(c) A precise test cannot be set for the level of hardship or injury to the employing office which must be sustained. If the reinstatement of a key employee threatens the economic viability of the employing office, that would constitute substantial and grievous economic injury. A lesser injury which causes substantial, long-term economic injury would also be sufficient. Minor inconveniences and costs that the employing office would experience in the normal course would certainly not constitute substantial and grievous economic injury.

(d) FMLA's substantial and grievous economic injury standard is different from and more stringent than the undue hardship test under the ADA, as made applicable by the CAA. See also §825.702.

**§ 825.219 Rights of a key employee.**

(a) An employing office that believes that reinstatement may be denied to a key employee, must give written notice to the employee at the time the employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that he or she qualifies as a key employee. At the same time, the employing office must also fully inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employing office should determine that substantial and grievous economic injury to the employing office's operations will result if the employee is reinstated from FMLA leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, it shall be given as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier). It is expected that in most circumstances there will be no desire that an employee be denied restoration after FMLA leave and, therefore, there would be no need to provide such notice. However, an employing office who fails to provide such timely notice will lose its right to deny restoration even if substantial and grievous economic injury will result from reinstatement.

(b) As soon as an employing office makes a good faith determination, based on the facts available, that substantial and grievous economic injury to its operations will result if a key employee who has given notice of the need for FMLA leave or is using FMLA leave is reinstated, the employing office shall notify the employee in writing of its determination, that it cannot deny FMLA leave, and that it intends to deny restoration to employment on completion of the FMLA leave. It is anticipated that an employing office will ordinarily be able to give such notice prior to the employee starting leave. The employing office must serve this notice either in person or by certified mail. This notice must explain the basis for the employing office's finding that substantial and grievous economic injury will result, and, if leave has commenced, must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

(c) If an employee on leave does not return to work in response to the employing office's notification of intent to deny restoration, the employee continues to be entitled to maintenance of health benefits and the employing office may not recover its cost of health benefit premiums. A key employee's rights under FMLA continue unless and until the employee either gives notice that he or she no longer wishes to return to work, or the employing office actually denies reinstatement at the conclusion of the leave period.

(d) After notice to an employee has been given that substantial and grievous economic injury will result if the employee is reinstated to employment, an employee is still entitled to request reinstatement at the end of the leave period even if the employee did not return to work in response to the employing office's notice. The employing office must then again determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the employing office shall notify the employee in writing (in person or by certified mail) of the denial of restoration.

**§ 825.220 Protection for employees who request leave or otherwise assert FMLA rights.**

(a) The FMLA, as made applicable by the CAA, prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. More specifically, the law contains the following employee protections:

(1) An employing office is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA, as made applicable by the CAA.

(2) An employing office is prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) for opposing or complaining about any unlawful practice under the FMLA, as made applicable by the CAA.

(3) All employing offices are prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) because that covered employee has-

(i) Filed any claim, or has instituted (or caused to be instituted) any proceeding under or related to the FMLA, as made applicable by the CAA;

(ii) Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA;

(iii) Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA.

(b) Any violations of the FMLA, as made applicable by the CAA, or of these regulations constitute interfering with, restraining, or denying the exercise of rights provided by the FMLA, as made applicable by the CAA. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. See §825.400(b). Interfering with the exercise of an employee's rights would include, for example, not only refusing to authorize FMLA leave, but discouraging an employee from using such leave. It would also include manipulation by a covered employing office to avoid responsibilities under FMLA, for example:

(1) Reserved.

(2) Changing the essential functions of the job in order to preclude the taking of leave; or

(3) Reducing hours available to work in order to avoid employee eligibility.

(c) The FMLA's prohibition against interference prohibits an employing office from discriminating or retaliating against an employee or prospective employee for having exercised or attempted to exercise FMLA rights. For example, if an employee on leave without pay would otherwise be entitled to full benefits (other than health benefits), the same benefits would be required to be provided to an employee on unpaid FMLA leave. By the same token, employing offices cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions; nor can FMLA leave be counted under no fault attendance policies. See §825.215.

(d) Employees cannot waive, nor may employing offices induce employees to waive, their rights under FMLA. For example, employees (or their collective bargaining representatives) cannot trade off the right to take FMLA leave against some other benefit offered by the employing office. Except for settlement agreements covered by 1414 and/or 1415 of the Congressional Accountability Act, this does not prevent the settlement or release of FMLA claims by employees based

on past employing office conduct without the approval of the Office of Congressional Workplace Rights or a court. Nor does it prevent an employee's voluntary and uncoerced acceptance (not as a condition of employment) of a light duty assignment while recovering from a serious health condition. See §825.702(d). An employee's acceptance of such light duty assignment does not constitute a waiver of the employee's prospective rights, including the right to be restored to the same position the employee held at the time the employee's FMLA leave commenced or to an equivalent position. The employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA leave year.

(e) Covered employees, and not merely eligible employees, are protected from retaliation for opposing (e.g., filing a complaint about) any practice which is unlawful under the FMLA, as made applicable by the CAA. They are similarly protected if they oppose any practice which they reasonably believe to be a violation of the FMLA, as made applicable by the CAA, or regulations.

**SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA**

**§825.300 Employing office notice requirements.**

(a)(1) If an employing office has any eligible employees and has any written guidance to employees concerning employee benefits or leave rights, such as in an employee handbook, information concerning both entitlements and employee obligations under the FMLA, as made applicable by the CAA, must be included in the handbook or other document. For example, if an employing office provides an employee handbook to all employees that describes the employing office's policies regarding leave, wages, attendance, and similar matters, the handbook must incorporate information on FMLA rights and responsibilities and the employing office's policies regarding the FMLA, as made applicable by the CAA. Informational publications describing the provisions of the FMLA, as made applicable by the CAA, are available from the Office of Congressional Workplace Rights and may be incorporated in such employing office handbooks or written policies.

(2) If such an employing office does not have written policies, manuals, or handbooks describing employee benefits and leave provisions, the employing office shall provide written guidance to an employee concerning all the employee's rights and obligations under the FMLA, as made applicable by the CAA. This notice shall be provided to employees each time notice is given pursuant to paragraph (c), and in accordance with the provisions of that paragraph. Employing offices may duplicate and provide the employee a copy of the FMLA Fact Sheet available from the Office of Congressional Workplace Rights to provide such guidance.

(b) Eligibility notice.

(1) When an employee requests FMLA leave, or when the employing office acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employing office must notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances. See §825.110 for definition of an eligible employee. Employee eligibility is determined (and notice must be provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. See §§825.127(c) and 825.200(b). All FMLA absences for the same qualifying reason are considered a single leave and employee eligibility as to that reason for leave does not change during the applicable 12-month period.

(2) The eligibility notice must state whether the employee is eligible for FMLA leave as defined in §825.110. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible, including as applicable the number of months the employee has been employed by the employing office and the hours of service with the employing office during the 12-month period. Notification of eligibility may be oral or in writing; employing offices may use Form C to provide such notification to employees.

(3) If, at the time an employee provides notice of a subsequent need for FMLA leave during the applicable 12-month period due to a different FMLA-qualifying reason, and the employee's eligibility status has not changed, no additional eligibility notice is required. If, however, the employee's eligibility status has changed (e.g., if the employee has not met the hours of service requirement in the 12 months preceding the commencement of leave for the subsequent qualifying reason), the employing office must notify the employee of the change in eligibility status within five business days, absent extenuating circumstances.

(c) Rights and responsibilities notice.

(1) Employing offices shall provide written notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the employee each time the eligibility notice is provided pursuant to paragraph (b) of this section. If leave has already begun, the notice should be mailed to the employee's address of record. Such specific notice must include, as appropriate:

(i) That the leave may be designated and counted against the employee's annual FMLA leave entitlement if qualifying (See §§825.300(c) and 825.301) and the applicable 12-month period for FMLA entitlement (See §§825.127(c), 825.200(b), (f), and (g));

(ii) Any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of covered active duty or call to covered active duty status, and the consequences of failing to do so (See §§825.305, 825.309, 825.310, 825.313);

(iii) If applicable, the employee's right to substitute paid parental leave for unpaid FMLA leave for a birth or placement (See §825.208) and the employee's right to substitute paid leave generally, whether the employing office will require the substitution of paid leave, the conditions related to any substitution, and the employee's entitlement to take unpaid FMLA leave if the employee does not meet the conditions for paid leave (See §825.207);

(iv) Any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments (See §825.210), and the possible consequences of failure to make such payments on a timely basis (i.e., the circumstances under which coverage may lapse);

(v) The employee's status as a key employee and the potential consequence that restoration may be denied following FMLA leave, explaining the conditions required for such denial (See §825.218);

(vi) The employee's right to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave (See §§825.214 and 825.604); and

(vii) The employee's potential liability for payment of health insurance premiums paid by the employing office during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave (See §§825.213, 825.208(k)).

(2) The notice of rights and responsibilities may include other information—e.g., whether the employing office will require periodic reports of the employee's status and intent to return to work—but is not required to do so.

(3) The notice of rights and responsibilities may be accompanied by any required certification form.

(4) If the specific information provided by the notice of rights and responsibilities changes, the employing office shall, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the notice of rights and responsibilities that has changed. For example, if the initial leave period was paid leave and the subsequent leave period would be unpaid leave, the employing office may need to give notice of the arrangements for making premium payments.

(5) Employing offices are also expected to responsively answer questions from employees concerning their rights and responsibilities under the FMLA, as made applicable under the CAA.

(6) A prototype notice of rights and responsibilities may be obtained in Form C, or from the Office of Congressional Workplace Rights. Employing offices may adapt the prototype notice as appropriate to meet these notice requirements. The notice of rights and responsibilities may be distributed electronically so long as it otherwise meets the requirements of this section.

(d) Designation notice.

(1) The employing office is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee as provided in this section. When the employing office has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the employing office must notify the employee whether the leave will be designated and will be counted as FMLA leave within five business days absent extenuating circumstances. Only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave. If the employing office determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the employing office must notify the employee of that determination. Subject to §825.208, if the employing office requires paid leave to be substituted for unpaid FMLA leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, the employing office must inform the employee of this designation at the time of designating the FMLA leave.

(2) If the employing office has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the employing office may provide the employee with the designation notice at that time.

(3) If the employing office will require the employee to present a fitness-for-duty certification to be restored to employment, the employing office must provide notice of such requirement with the designation notice. If the employing office will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the employing office must so indicate in the designation notice, and must include a list of the essential functions of the employee's position. See §825.312. If the employing office's

handbook or other written documents (if any) describing the employing office's leave policies clearly provide that a fitness-forduty certification will be required in specific circumstances (e.g., by stating that fitness-for-duty certification will be required in all cases of back injuries for employees in a certain occupation), the employing office is not required to provide written notice of the requirement with the designation notice, but must provide oral notice no later than with the designation notice.

(4) The designation notice must be in writing. A prototype designation notice is contained in Form D which may be obtained from the Office of Congressional Workplace Rights. If the leave is not designated as FMLA leave because it does not meet the requirements of the FMLA, as made applicable by the CAA, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement. The designation notice may be distributed electronically so long as it otherwise meets the requirements of this section and the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

(5) If the information provided by the employing office to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the employing office shall provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

(6) The employing office must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement and, if applicable, the employee's paid parental leave entitlement. If the amount of leave needed is known at the time the employing office designates the leave as FMLA-qualifying, the employing office must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the designation notice. If it is not possible to provide the hours, days, or weeks that will be counted against the employee's FMLA leave entitlement (such as in the case of unforeseeable intermittent leave), then the employing office must provide notice of the amount of leave counted against the employee's FMLA leave entitlement and, if applicable, paid parental leave entitlement, upon the request by the employee, but no more often than once in a 30–day period and only if leave was taken in that period. The notice of the amount of leave counted against the employee's FMLA entitlement and, if applicable, paid parental leave entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing no later than the following payday (unless the payday is less than one week after the oral notice, in which case the notice must be no later than the subsequent payday). Such written notice may be in any form, including a notation on the employee's pay stub.

(e) Consequences of failing to provide notice. Failure to follow the notice requirements set forth in this section may constitute an interference with, restraint, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. See §825.400(b).

**§825.301 Designation of FMLA leave.**

(a) Employing office responsibilities. The employing office's decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (e.g., if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, etc., may provide notice to the employing office of the need to take FMLA leave). In any circumstance where the employing office does not have sufficient information about the reason for an employee's use of leave, the employing office should inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the employing office has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the employing office must notify the employee as provided in §825.300(d).

(b) Employee responsibilities. An employee giving notice of the need for FMLA leave does not need to expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA to meet his or her obligation to provide notice, though the employee would need to state a qualifying reason for the needed leave and otherwise satisfy the notice requirements set forth in §§825.302 or 825.303 depending on whether the need for leave is foreseeable or unforeseeable. An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the employing office to determine whether the leave qualifies under the FMLA, as made applicable by the CAA. If the employee fails to explain the reasons, leave may be denied. In many cases, in explaining the reasons for a request to use leave, especially when the need for the leave was unexpected or unforeseen, an employee will provide sufficient information for the employing office to designate the leave as FMLA leave. An employee using accrued paid leave may in some cases not spontaneously explain the reasons or their plans for using their accrued leave. However, if an employee requesting to use paid leave for a FMLA-qualifying reason does not explain the reason for the leave and the employing office denies the employee's request, the employee will need to provide sufficient information to establish a FMLA-qualifying reason for the needed leave so that the employing office is aware that the leave may not be denied and may designate that the paid leave be appropriately counted against (substituted for) the employee's FMLA leave entitlement. Similarly, an employee using accrued paid vacation leave who seeks an extension of unpaid leave for a FMLA-qualifying reason will need to state the reason. If this is due to an event which occurred during the period of paid leave, the employing office may count the leave used after the FMLA-qualifying reason against the employee's FMLA leave entitlement.

(c) Disputes. If there is a dispute between an employing office and an employee as to whether leave qualifies as FMLA leave, it should be resolved through discussions between the employee and the employing office. Such discussions and the decision must be documented.

(d) Retroactive designation. Subject to §825.208, if an employing office does not designate leave as required by §825.300, the employing office may retroactively designate leave as FMLA leave with appropriate notice to the employee as required by §825.300 provided that the employing office's failure to timely designate leave does not cause harm or injury to the employee. In all cases where leave would qualify for FMLA protections, an employing office and an employee can mutually agree that leave be retroactively designated as FMLA leave.

(e) Remedies. If an employing office's failure to timely designate leave in accordance with §825.300 causes the employee to suffer harm, it may constitute an interference with, restraint of, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. See §825.400(b). For example, if an employing office that was put on notice that an employee needed FMLA leave failed to designate the leave properly, but the employee's own serious health condition prevented him or her from returning to work during that time period regardless of the designation, an employee may not be able to show that the employee suffered harm as a result of the employing office's actions. However, if an employee took leave to provide care for a son or daughter with a serious health condition believing it would not count toward his or her FMLA entitlement, and the employee planned to later use that FMLA leave to provide care for a spouse who would need assistance when recovering from surgery planned for a later date, the employee may be able to show that harm has occurred as a result of the employing office's failure to designate properly. The employee might establish this by showing that he or she would have arranged for an alternative caregiver for the seriously-ill son or daughter if the leave had been designated timely.

**§825.302 Employee notice requirements for foreseeable FMLA leave.**

(a) Timing of notice. An employee must provide the employing office at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. For example, an employee's health condition may require leave to commence earlier than anticipated before the birth of a child. Similarly, little opportunity for notice may be given before placement for adoption. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. Whether FMLA leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the employing office as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. In those cases where the employee is required to provide at least 30 days' notice of foreseeable leave and does not do so, the employee shall explain the reasons why such notice was not practicable upon a request from the employing office for such information.

(b) As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. In all cases, however, the determination of when an employee could practicably provide notice must take into account the individual facts and circumstances.

(c) Content of notice. An employee shall provide at least verbal notice sufficient to make the employing office aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), and that the requested leave is for one of the reasons listed in §825.126(b); if the leave is for a family member, that the condition renders the family member unable to perform daily activities, or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a FMLA-qualifying reason, for which the employing office has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. In all cases, the employing office should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee, and obtain the necessary details of the leave to be taken. In the case of medical conditions, the employing office may find it necessary to inquire further to determine if the leave is because of a serious health condition and may request medical certification to support the need for such leave. See §825.305. An employing office may also request certification to support the need for leave for a qualifying exigency or for military caregiver leave. See §§825.309, 825.310. When an employee has been previously certified for leave due to more than one FMLA-qualifying reason, the employing office may need to inquire further to determine for which qualifying reason the leave is needed. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(d) Complying with the employing office policy. An employing office may require an employee to comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require that written notice set forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. An employee also may be required by an employing office's policy to contact a specific individual. Unusual circumstances would include situations such as when an employee is unable to comply with the employing office's policy that requests for leave should be made by contacting a specific number because on the day the employee needs to provide notice of his or her need for FMLA leave there is no one to answer the call-in number and the voice mail box is full. Where an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied. However, FMLA-protected leave may not be delayed or denied where the employing office's policy requires notice to be given sooner than set forth in paragraph (a) of this section and the employee provides timely notice as set forth in paragraph (a) of this section.

(e) Scheduling planned medical treatment. When planning medical treatment, the employee must consult with the employing office and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their employing offices prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employing office and the employee. For example, if an employee who provides notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to consult with the employing office to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the employing office's operations, the employing office may initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the health care provider. See §§825.203 and 825.205.

(f) Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the employing office, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and employing office shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employing office's operations, subject to the approval of the health care provider.

(g) An employing office may waive employees' FMLA notice requirements. See §825.304(e).

**§825.303 Employee notice requirements for unforeseeable FMLA leave.**

(a) Timing of notice. When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the employing office as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employing office's usual and customary notice requirements applicable to such leave. See §825.303(c). Notice may be given by the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally. For example, if an employee's child has a severe asthma attack and the employee takes the child to the emergency room, the employee would not be required to leave his or her child in order to report the absence while the child is receiving emergency treatment. However, if the child's asthma attack required only the use of an inhaler at home followed by a period of rest, the employee would be expected to call the employing office promptly after ensuring the child has used the inhaler.

(b) Content of notice. An employee shall provide sufficient information for an employing office to reasonably determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), that the requested leave is for one of the reasons listed in §825.126(b), and the anticipated duration of the absence; or if the leave is for a family member that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a qualifying reason, for which the employing office has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. Calling in ''sick'' without providing more information will not be considered sufficient notice to trigger an employing office's obligations under the FMLA, as made applicable by the CAA. The employing office will be expected to obtain any additional required information through informal means. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries office regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(c) Complying with employing office policy. When the need for leave is not foreseeable, an employee must comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require employees to call a designated number or a specific individual to request leave. However, if an employee requires emergency medical treatment, he or she would not be required to follow the call-in procedure until his or her condition is stabilized and he or she has access to, and is able to use, a phone. Similarly, in the case of an emergency requiring leave because of a FMLA-qualifying reason, written advance notice pursuant to an employing office's internal rules and procedures may not be required when FMLA leave is involved. If an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

**§825.304 Employee failure to provide notice.**

(a) Proper notice required. In all cases, in order for the onset of an employee's FMLA leave to be delayed due to lack of required notice, it must be clear that the employee had actual notice of the FMLA notice requirements. This condition would be satisfied by the employing office's proper posting, at the worksite where the employee is employed, of the information regarding the FMLA provided (pursuant to section 301(h)(2) of the CAA, 2 U.S.C. 1381(h)(2)) by the Office of Congressional Workplace Rights to the employing office in a manner suitable for posting.

(b) Foreseeable leave—30 days. When the need for FMLA leave is foreseeable at least 30 days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employing office may delay FMLA coverage until 30 days after the date

the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee 30 days in advance of the leave. For example, knowledge that an employee would receive a telephone call about the availability of a child for adoption at some unknown point in the future would not be sufficient to establish the leave was clearly foreseeable 30 days in advance.

(c) Foreseeable leave-less than 30 days. When the need for FMLA leave is foreseeable fewer than 30 days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if an employee reasonably should have given the employing office two weeks' notice but instead only provided one week's notice, then the employing office may delay FMLA-protected leave for one week (thus, if the employing office elects to delay FMLA coverage and the employee nonetheless takes leave one week after providing the notice (i.e., a week before the two week notice period has been met) the leave will not be FMLA-protected).

(d) Unforeseeable leave. When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with §825.303, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if it would have been practicable for an employee to have given the employing office notice of the need for leave very soon after the need arises consistent with the employing office's policy, but instead the employee provided notice two days after the leave began, then the employing office may delay FMLA coverage of the leave by two days.

(e) Waiver of notice. An employing office may waive employees' FMLA notice obligations or the employing office's own internal rules on leave notice requirements. If an employing office does not waive the employee's obligations under its internal leave rules, the employing office may take appropriate action under its internal rules and procedures for failure to follow its usual and customary notification rules, absent unusual circumstances, as long as the actions are taken in a manner that does not discriminate against employees taking FMLA leave and the rules are not inconsistent with §825.303(a).

**§825.305 Certification, general rule.**

(a) General. An employing office may require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. An employing office may also require that an employee's leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness be supported by a certification, as described in §§825.309 and 825.310, respectively. An employing office must give notice of a requirement for certification each time a certification is required; such notice must be written notice whenever required by §825.300(c). An employing office's oral request to an employee to furnish any subsequent certification is sufficient.

(b) Timing. In most cases, the employing office should request that an employee furnish certification at the time the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave commences. The employing office may request certification at some later date if the employing office later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the employing office within 15 calendar days after the employing office's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or the employing office provides more than 15 calendar days to return the requested certification.

(c) Complete and sufficient certification. The employee must provide a complete and sufficient certification to the employing office if required by the employing office in accordance with §§825.306, 825.309, and 825.310. The employing office shall advise an employee whenever the employing office finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the employing office receives a certification, but one or more of the applicable entries have not been completed. A certification is considered insufficient if the employing office receives a complete certification, but the information provided is vague, ambiguous, or non-responsive. The employing office must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the employing office are not cured in the resubmitted certification, the employing office may deny the taking of FMLA leave, in accordance with §825.313. A certification that is not returned to the employing office is not considered incomplete or insufficient, but constitutes a failure to provide certification.

(d) Consequences. At the time the employing office requests certification, the employing office must also advise an employee of the anticipated consequences of an employee's failure to provide adequate certification. If the employee fails to provide the employing office with a complete and sufficient certification, despite the opportunity to cure the certification as provided in paragraph (c) of this section, or fails to provide any certification, the employing office may deny the taking of FMLA leave, in accordance with §825.313. It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the employing office to support the employee's FMLA request. This provision will apply in any case where an employing office requests a certification permitted by these regulations, whether it is the initial certification, a recertification, a second or third opinion, or a fitness-for-duty certificate, including any clarifications necessary to determine if such certifications are authentic and sufficient. See §§825.306, 825.307, 825.308, and 825.312.

(e) Annual medical certification. Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year (as defined in §825.200), the employing office may require the employee to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification set forth in §825.307, including second and third opinions.

**§825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.**

(a) Required information. When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, an employing office may require an employee to obtain a medical certification from a health care provider that sets forth the following information:

(1) The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;

(2) The approximate date on which the serious health condition commenced, and its probable duration;

(3) A statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave. Such medical facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), or any other regimen of continuing treatment;

(4) If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions, and the likely duration of such inability (See §825.123(b));

(5) If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care, as described in §825.124, and an estimate of the frequency and duration of the leave required to care for the family member;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery;

(7) If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity; and

(8) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, as described in §§825.124 and 825.203(b), which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

(b) The Office of Congressional Workplace Rights has developed two optional forms (Form A and Form B) for use in obtaining medical certification, including second and third opinions, from health care providers that meets FMLA's certification requirements, as made applicable by the CAA. (See Forms A and B.) Optional Form A is for use when the employee's need for leave is due to the employee's own serious health condition. Optional Form B is for use when the employee needs leave to care for a family member with a serious health condition. These

optional forms reflect certification requirements so as to permit the health care provider to furnish appropriate medical information. Forms A and B are modeled closely on Form WH–380E and Form WH–380F, as revised, which were developed by the Department of Labor (See 29 C.F.R. Part 825). The employing office may use the Office of Congressional Workplace Rights's forms, or Form WH–380E and Form WH–380F, as revised, or another form containing the same basic information; however, no information may be required beyond that specified in §§825.306, 825.307, and 825.308. In all instances the information on the form must relate only to the serious health condition for which the current need for leave exists.

(c) If an employee is on FMLA leave running concurrently with a workers' compensation absence, and the provisions of the workers' compensation statute permit the employing office or the employing office's representative to request additional information from the employee's workers' compensation health care provider, the FMLA does not prevent the employing office from following the applicable workers' compensation provisions and information received under those provisions may be considered in determining the employee's entitlement to FMLA-protected leave. Similarly, an employing office may request additional information in accordance with a paid leave policy or disability plan that requires greater information to qualify for payments or benefits, provided that the employing office informs the employee that the additional information only needs to be provided in connection with receipt of such payments or benefits. Any information received pursuant to such policy or plan may be considered in determining the employee's entitlement to FMLA-protected leave. If the employee fails to provide the information required for receipt of such payments or benefits, such failure will not affect the employee's entitlement to take unpaid FMLA leave. See §825.207(a).

(d) If an employee's serious health condition may also be a disability within the meaning of the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA. Any information received pursuant to these procedures may be considered in determining the employee's entitlement to FMLA-protected leave.

(e) While an employee may choose to comply with the certification requirement by providing the employing office with an authorization, release, or waiver allowing the employing office to communicate directly with the health care provider of the employee or his or her covered family member, the employee may not be required to provide such an authorization, release, or waiver. In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. See §825.305(d).

**§825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions.**

(a) Clarification and authentication. If an employee submits a complete and sufficient certification signed by the health care provider, the employing office may not request additional information from the health care provider. However, the employing office may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the employing office has given the employee an opportunity to cure any deficiencies as set forth in §825.305(c). To make such contact, the employing office must use a health care provider, a human resources professional, a leave administrator, or a management official. An employee's direct supervisor may not contact the employee's health care provider, unless the direct supervisor is also the only individual in the employing office designated to process FMLA requests and the direct supervisor receives specific authorization from the employee to contact the employee's health care provider. For purposes of these regulations, authentication means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

Clarification means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. Employing offices may not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, (See 45 CFR parts 160 and 164), which governs the privacy of individually-identifiable health information created or held by HIPAA-covered entities, must be satisfied when individually-identifiable health information of an employee is shared with an employing office by a HIPAA-covered health care provider. If an employee chooses not to provide the employing office with authorization allowing the employing office to clarify the certification with the health care provider, and does not otherwise clarify the certification, the employing office may deny the taking of FMLA leave if the certification is unclear. See §825.305(d). It is the employee's responsibility to provide the employing office with a complete and sufficient certification and to clarify the certification if necessary.

(b) Second Opinion.

(1) An employing office that has reason to doubt the validity of a medical certification may require the employee to obtain a second opinion at the employing office's expense. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the FMLA, as made applicable by the CAA, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the employing office's established leave policies. In addition, the consequences set forth in §825.305 (d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a second opinion in order to render a sufficient and complete second opinion.

(2) The employing office is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the employing office. The employing office may not regularly contract with or otherwise regularly utilize the services of the health care provider furnishing the second opinion unless the employing office is located in an area where access to health care is extremely limited (e.g., a rural area where no more than one or two doctors practice in the relevant specialty in the vicinity).

(c) Third opinion. If the opinions of the employee's and the employing office's designated health care providers differ, the employing office may require the employee to obtain certification from a third health care provider, again at the employing office's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the employing office and the employee. The employing office and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the employing office does not attempt in good faith to reach agreement, the employing office will be bound by the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification. For example, an employee who refuses to agree to see a doctor in the specialty in question may be failing to act in good faith. On the other hand, an employing office that refuses to agree to any doctor on a list of specialists in the appropriate field provided by the employee and whom the employee has not previously consulted may be failing to act in good faith. In addition, the consequences set forth in §825.305 (d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a third opinion in order to render a sufficient and complete third opinion.

(d) Copies of opinions. The employing office is required to provide the employee with a copy of the second and third medical opinions, where applicable, upon request by the employee. Requested copies are to be provided within five business days unless extenuating circumstances prevent such action.

(e) Travel expenses. If the employing office requires the employee to obtain either a second or third opinion the employing office must reimburse an employee or family member for any reasonable ''out of pocket'' travel expenses incurred to obtain the second and third medical opinions. The employing office may not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinions except in very unusual circumstances.

(f) Medical certification abroad. In circumstances in which the employee or a family member is visiting in another country, or a family member resides in another country, and a serious health condition develops, the employing office shall accept a medical certification as well as second and third opinions from a health care provider who practices in that country. Where a certification by a foreign health care provider is in a language other than English, the employee must provide the employing office with a written translation of the certification upon request.

**§825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.**

(a) 30-day rule. An employing office may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless paragraphs (b) or (c) of this section apply.

(b) More than 30 days. If the medical certification indicates that the minimum duration of the condition is more than 30 days, an employing office must wait until that minimum duration expires before requesting a

recertification, unless paragraph (c) of this section applies. For example, if the medical certification states that an employee will be unable to work, whether continuously or on an intermittent basis, for 40 days, the employing office must wait 40 days before requesting a recertification. In all cases, an employing office may request a recertification of a medical condition every six months in connection with an absence by the employee. Accordingly, even if the medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six months (e.g., for a lifetime condition), the employing office would be permitted to request recertification every six months in connection with an absence.

(c) Less than 30 days. An employing office may request recertification in less than 30 days if:

(1) The employee requests an extension of leave;

(2) Circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications). For example, if a medical certification stated that an employee would need leave for one to two days when the employee suffered a migraine headache and the employee's absences for his or her last two migraines lasted four days each, then the increased duration of absence might constitute a significant change in circumstances allowing the employing office to request a recertification in less than 30 days. Likewise, if an employee had a pattern of using unscheduled FMLA leave for migraines in conjunction with his or her scheduled days off, then the timing of the absences also might constitute a significant change in circumstances sufficient for an employing office to request a recertification more frequently than every 30 days; or

(3) The employing office receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. For example, if an employee is on FMLA leave for four weeks due to the employee's knee surgery, including recuperation, and the employee plays in company softball league games during the employee's third week of FMLA leave, such information might be sufficient to cast doubt upon the continuing validity of the certification allowing the employing office to request a recertification in less than 30 days.

(d) Timing. The employee must provide the requested recertification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

(e) Content. The employing office may ask for the same information when obtaining recertification as that permitted for the original certification as set forth in §825.306. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or adequate authorization to the health care provider) in the recertification process as in the initial certification process. See §825.305(d). As part of the information allowed to be obtained on recertification for leave taken because of a serious health condition, the employing office may provide the health care provider with a record of the employee's absence pattern and ask the health care provider if the serious health condition and need for leave is consistent with such a pattern.

(f) Any recertification requested by the employing office shall be at the employee's expense unless the employing office provides otherwise. No second or third opinion on recertification may be required.

**§825.309 Certification for leave taken because of a qualifying exigency.**

(a) Active Duty Orders. The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member (See §825.126(a)), an employing office may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service. This information need only be provided to the employing office once. A copy of new active duty orders or other documentation issued by the military may be required by the employing office if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member;

(b) Required information. An employing office may require that leave for any qualifying exigency specified in §825.126 be supported by a certification from the employee that sets forth the following information:

(1) A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;

(2) The approximate date on which the qualifying exigency commenced or will commence;

(3) If an employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;

(4) If an employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;

(5) If the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and email address) and a brief description of the purpose of the meeting; and

(6) If the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

(c) The Office of Congressional Workplace Rights has developed an optional form (Form E) for employees' use in obtaining a certification that meets FMLA's certification requirements. This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave because of a qualifying exigency. Form E, or Form WH–384 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section.

(d) Verification. If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the employing office may not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the employing office may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the employing office. An employing office also may contact an appropriate unit of the Department of Defense to request verification that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty); no additional information may be requested and the employee's permission is not required.

**§825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave).**

(a) Required information from health care provider. When leave is taken to care for a covered servicemember with a serious injury or illness, an employing office may require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. For purposes of leave taken to care for a covered servicemember, any one of the following health care providers may complete such a certification:

(1) A United States Department of Defense (''DOD'') health care provider;

(2) A United States Department of Veterans Affairs (''VA'') health care provider;

(3) A DOD TRICARE network authorized private health care provider;

(4) A DOD non-network TRICARE authorized private health care provider; or

(5) Any health care provider as defined in §825.125.

(b) If the authorized health care provider is unable to make certain military-related determinations outlined below, the authorized health care provider may rely on determinations from an authorized DOD representative (such as a DOD recovery care coordinator) or an authorized VA representative. An employing office may request that the health care provider provide the following information:

(1) The name, address, and appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and whether the health care provider is one of the following:

(i) A DOD health care provider;

(ii) A VA health care provider;

(iii) A DOD TRICARE network authorized private health care provider;

(iv) A DOD non-network TRICARE authorized private health care provider; or

(v) A health care provider as defined in §825.125.

(2) Whether the covered servicemember's injury or illness was incurred in the line of duty on active duty or, if not, whether the covered servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty;

(3) The approximate date on which the serious injury or illness commenced, or was aggravated, and its probable duration;

(4) A statement or description of appropriate medical facts regarding the covered servicemember's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave.

(i) In the case of a current member of the Armed Forces, such medical facts must include information on whether the injury or illness may render the covered servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and whether the member is receiving medical treatment, recuperation, or therapy;

(ii) In the case of a covered veteran, such medical facts must include:

(A) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is the continuation of an injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating; or

(B) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and that such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(C) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(D) Documentation of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(5) Information sufficient to establish that the covered servicemember is in need of care, as described in §825.124, and whether the covered servicemember will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment appointments for the covered servicemember, whether there is a medical necessity for the covered servicemember to have such periodic care and an estimate of the treatment schedule of such appointments;

(7) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment (e.g., episodic flare-ups of a medical condition), whether there is a medical necessity for the covered servicemember to have such periodic care, which can include assisting in the covered servicemember's recovery, and an estimate of the frequency and duration of the periodic care.

(c) Required information from employee and/or covered servicemember. In addition to the information that may be requested under §825.310(b), an employing office may also request that such certification set forth the following information provided by an employee and/or covered servicemember:

(1) The name and address of the employing office of the employee requesting leave to care for a covered servicemember, the name of the employee requesting such leave, and the name of the covered servicemember for whom the employee is requesting leave to care;

(2) The relationship of the employee to the covered servicemember for whom the employee is requesting leave to care;

(3) Whether the covered servicemember is a current member of the Armed Forces, the National Guard or Reserves, and the covered servicemember's military branch, rank, and current unit assignment;

(4) Whether the covered servicemember is assigned to a military medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit), and the name of the medical treatment facility or unit;

(5) Whether the covered servicemember is on the temporary disability retired list;

(6) Whether the covered servicemember is a veteran, the date of separation from military service, and whether the separation was other than dishonorable. The employing office may require the employee to provide documentation issued by the military which indicates that the covered servicemember is a veteran, the date of separation, and that the separation is other than dishonorable. Where an employing office requires such documentation, an employee may provide a copy of the veteran's Certificate of Release or Discharge from Active Duty issued by the U.S. Department of Defense (DD Form 214) or other proof of veteran status. See §825.127(c)(2).

(7) A description of the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care.

(d) The Office of Congressional Workplace Rights has developed an optional form (Form F) for employees' use in obtaining certification that meets FMLA's certification requirements. This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave to care for a covered servicemember with a serious injury or illness. Form F, or Form WH–385 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section. In all instances the information on the certification must relate only to the serious injury or illness for which the current need for leave exists. An employing office may seek authentication and/or clarification of the certification under §825.307. Second and third opinions under §825.307 are not permitted for leave to care for a covered servicemember when the certification has been completed by one of the types of healthcare providers identified in section §825.310(a)(1–4). However, second and third opinions under §825.307 are permitted when the certification has been completed by a health care provider as defined in §825.125 that is not one of the types identified in §825.310(a)(1)–(4). Additionally, recertifications under §825.308 are not permitted for leave to care for a covered servicemember. An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to §825.122(k) of the FMLA.

(e) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification, in lieu of the Office of Congressional Workplace Rights's optional certification form (Form F) or an employing office's own certification form, invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at his or her bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave may not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

(1) If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, an employing office may request that the employee have one of the authorized health care providers listed under §825.310(a) complete the Office of Congressional Workplace Rights optional certification form (Form F) or an employing office's own form, as requisite certification for the remainder of the employee's necessary leave period.

(2) An employing office may seek authentication and clarification of the ITO or ITA under §825.307. An employing office may not utilize the second or third opinion process outlined in §825.307 or the recertification process under §825.308 during the period of time in which leave is supported by an ITO or ITA.

(3) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to §825.122(k) when an employee supports his or her request for FMLA leave with a copy of an ITO or ITA.

(f) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. Such documentation is sufficient certification of the servicemember's serious injury or illness to support the employee's request for military caregiver leave regardless of whether the employee is the named caregiver in the enrollment documentation.

(1) An employing office may seek authentication and clarification of the documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers under §825.307. An employing office may not utilize the second or third opinion process outlined in §825.307 or the recertification process under §825.308 when the servicemember's serious injury or illness is shown by documentation of enrollment in this program.

(2) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to §825.122(k) when an employee supports his or her request for FMLA leave with a copy of such enrollment documentation. An employing office may also require an employee to provide documentation, such as a veteran's Form DD–214, showing that the discharge was other than dishonorable and the date of the veteran's discharge.

(g) Where medical certification is requested by an employing office, an employee

may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good-faith efforts to obtain such documents. See §825.305(b). In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. See §825.305(d).

**§825.311 Intent to return to work.**

(a) An employing office may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The employing office's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

(b) If an employee gives unequivocal notice of intent not to return to work, the employing office's obligations under FMLA, as made applicable by the CAA, to maintain health benefits (subject to COBRA requirements) and to restore the employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

(c) It may be necessary for an employee to take more leave than originally anticipated. Conversely, an employee may discover after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave. In both of these situations, the employing office may require that the employee provide the employing office reasonable notice (i.e., within two business days) of the changed circumstances where foreseeable. The employing office may also obtain information on such changed circumstances through requested status reports.

**§825.312 Fitness-for-duty certification.**

(a) As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, an employing office may have a uniformly-applied policy or practice that requires all similarly-situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the employing office) in the fitness-for-duty certification process as in the initial certification process. See §825.305(d).

(b) An employing office may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The certification from the employee's health care provider must certify that the employee is able to resume work. Additionally, an employing office may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. In order to require such a certification, an employing office must provide an employee with a list of the essential functions of the employee's job no later than with the designation notice required by §825.300(d), and must indicate in the designation notice that the certification must address the employee's ability to perform those essential functions. If the employing office satisfies these requirements, the employee's health care provider must certify that the employee can perform the identified essential functions of his or her job. Following the procedures set forth in §825.307(a), the employing office may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty certification. Clarification may be requested only for the serious health condition for which FMLA leave was taken. The employing office may not delay the employee's return to work while contact with the health care provider is being made. No second or third opinions on a fitness-for-duty certification may be required.

(c) The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

(d) The designation notice required in §825.300(d) shall advise the employee if the employing office will require a fitness-for-duty certification to return to work and whether that fitness-for-duty certification must address the employee's ability to perform the essential functions of the employee's job.

(e) An employing office may delay restoration to employment until an employee submits a required fitness-for-duty certification unless the employing office has failed to provide the notice required in paragraph (d) of this section. If an employing office provides the notice required, an employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under the FMLA. See §825.313(d).

(f) An employing office is not entitled to a certification of fitness to return to duty for each absence taken on an intermittent or reduced leave schedule. However, an employing office is entitled to a certification of fitness to return to duty for such absences up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave. If an employing office chooses to require a fitness-for-duty certification under such circumstances, the employing office shall inform the employee at the same time it issues the designation notice that for each subsequent instance of intermittent or reduced schedule leave, the employee will be required to submit a fitness-for-duty certification unless one has already been submitted within the past 30 days. Alternatively, an employing office can set a different interval for requiring a fitness-for-duty certification as long as it does not exceed once every 30 days and as long as the employing office advises the employee of the requirement in advance of the employee taking the intermittent or reduced schedule leave. The employing office may not terminate the employment of the employee while awaiting such a certification of fitness to return to duty for an intermittent or reduced schedule leave absence. Reasonable safety concerns means a reasonable belief of significant risk of harm to the individual employee or others. In determining whether reasonable safety concerns exist, an employing office should consider the nature and severity of the potential harm and the likelihood that potential harm will occur.

(g) If the terms of a collective bargaining agreement govern an employee's return to work, those provisions shall be applied.

(h) Requirements under the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, apply. After an employee returns from FMLA leave, the ADA requires any medical examination at an employing office's expense by the employing office's health care provider be job-related and consistent with business necessity. For example, an attorney could not be required to submit to a medical examination or inquiry just because her leg had been amputated. The essential functions of an attorney's job do not require use of both legs; therefore such an inquiry would not be job related. An employing office may require a warehouse laborer, whose back impairment affects the ability to lift, to be examined by an orthopedist, but may not require this employee to submit to an HIV test where the test is not related to either the essential functions of his or her job or to his/her impairment. If an employee's serious health condition may also be a disability within the meaning of the ADA, as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA.

**§825.313 Failure to provide certification.**

(a) Foreseeable leave. In the case of foreseeable leave, if an employee fails to provide certification in a timely manner as required by §825.305, then an employing office may deny FMLA coverage until the required certification is provided. For example, if an employee has 15 days to provide a certification and does not provide the certification for 45 days without sufficient reason for the delay, the employing office can deny FMLA protections for the 30-day period following the expiration of the 15-day time period, if the employee takes leave during such period.

(b) Unforeseeable leave. In the case of unforeseeable leave, an employing office may deny FMLA coverage for the requested leave if the employee fails to provide a certification within 15 calendar days from receipt of the request for certification unless not practicable due to extenuating circumstances. For example, in the case of a medical emergency, it may not be practicable for an employee to provide the required certification within 15 calendar days. Absent such extenuating circumstances, if the employee fails to timely return the certification, the employing office can deny FMLA protections for the leave following the expiration of the 15-day time period until a sufficient certification is provided. If the employee never produces the certification, the leave is not FMLA leave.

(c) Recertification. An employee must provide recertification within the time requested by the employing office (which must allow at least 15 calendar days after the request) or as soon as practicable under the particular facts and circumstances. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the employing office may deny continuation of the FMLA leave protections until the employee produces a sufficient recertification. If the employee never produces the recertification, the leave is not FMLA leave. Recertification does not apply to leave taken for a qualifying exigency or to care for a covered servicemember.

(d) Fitness-for-duty certification. When requested by the employing office pursuant to a uniformly applied policy for similarly-situated employees, the employee must provide medical certification, at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's serious health condition, that the employee is fit for duty and able to return to work (see §825.312(a)) if the employing office has provided the required notice (see §825.300(e)); the employing office may delay restoration until the certification is provided. Unless the employee provides either a fitness-for-duty certification or a new medical certification

for a serious health condition at the time FMLA leave is concluded, the employee may be terminated. See also §825.213(a)(3).

**SUBPART D—ADMINISTRATIVE PROCESS**

**§825.400 Administrative process, general rules.**

(a) The Procedural Rules of the Office of Congressional Workplace Rights set forth the procedures that apply to the administrative process for considering and resolving alleged violations of the laws made applicable by the CAA, including the FMLA. The Rules include procedures for filing claims and participating in administrative dispute resolution proceedings at the Office of Congressional Workplace Rights, including procedures for the conduct of hearings and for appeals to the Board of Directors. The Procedural Rules also address other matters of general applicability to the dispute resolution process and to the operations of the Office.

(b) If an employing office has violated one or more provisions of FMLA, as incorporated by the CAA, and if justified by the facts of a particular case, an employee may receive one or more of the following: wages, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or, where no such tangible loss has occurred, such as when FMLA leave was unlawfully denied, any actual monetary loss sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 26 weeks of wages for the employee in a case involving leave to care for a covered servicemember or 12 weeks of wages for the employee in a case involving leave for any other FMLA qualifying reason. In addition, the employee may be entitled to interest on such sum, calculated at the prevailing rate. An amount equaling the preceding sums may also be awarded as liquidated damages unless such amount is reduced by the hearing officer or the Board because the violation was in good faith and the employing office had reasonable grounds for believing the employer had not violated the CAA. When appropriate, the employee may also obtain appropriate equitable relief, such as employment, reinstatement and promotion. When the employing office is found in violation, the employee may recover a reasonable attorney's fee, reasonable expert witness fees, and other costs as would be appropriate if awarded under section 2000e–5(k) of title 42.

(c) The Procedural Rules of the Office of Congressional Workplace Rights are found at 165 Cong. Rec. H4896 (daily ed. June 19, 2019) and 165 Cong. Rec. S4105 (daily ed. June 19, 2019), and may also be found on the Office's website at www.ocwr.gov.

**§§825.401–825.404 Reserved.**

**SUBPART E—Reserved.**

**SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS**

**§825.600 Special rules for school employees, definitions.**

(a) Certain special rules apply to employees of local educational agencies, including public school boards and elementary schools under their jurisdiction, and private elementary and secondary schools. The special rules do not apply to other kinds of educational institutions, such as colleges and universities, trade schools, and preschools.

(b) Educational institutions are covered by FMLA, as made applicable by the CAA (and these special rules). The usual requirements for employees to be eligible do apply.

(c) The special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term (semester), by instructional employees. Instructional employees are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

(d) Special rules which apply to restoration to an equivalent position apply to all employees of local educational agencies.

**§825.601 Special rules for school employees, limitations on intermittent leave.**

(a) Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

(1) If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered servicemember, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the employing office may require the employee to choose either to:

(i) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(ii) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(2) These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position. Periods of a particular duration means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

(b) If an instructional employee does not give required notice of foreseeable FMLA leave (See §825.302) to be taken intermittently or on a reduced leave schedule, the employing office may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employing office may require the employee to delay the taking of leave until the notice provision is met.

**§825.602 Special rules for school employees, limitations on leave near the end of an academic term.**

(a) There are also different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term. Regular rules apply except in circumstances when:

(1) An instructional employee begins leave more than five weeks before the end of a term. The employing office may require the employee to continue taking leave until the end of the term if—

(i) The leave will last at least three weeks, and

(ii) The employee would return to work during the three-week period before the end of the term.

(2) The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if—

(i) The leave will last more than two weeks, and

(ii) The employee would return to work during the two-week period before the end of the term.

(3) The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

(b) For purposes of these provisions, academic term means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA, as made applicable by the CAA. An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employing office could require the employee to stay out on leave until the end of the term.

**§825.603 Special rules for school employees, duration of FMLA leave.**

(a) If an employee chooses to take leave for periods of a particular duration in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

(b) In the case of an employee who is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The employing office has the option not to require the employee to stay on leave until the end of the school term. Therefore, any additional leave required by the employing office to the end of the school term is not counted as FMLA leave; however, the employing office shall be required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave.

**§825.604 Special rules for school employees, restoration to an equivalent position.**

The determination of how an employee is to be restored to an equivalent position upon return from FMLA leave will be made on the basis of ''established school board policies and practices, private school policies and practices, and collective bargaining agreements.'' The ''established policies'' and collective bargaining agreements used as a

basis for restoration must be in writing, must be made known to the employee prior to the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to an equivalent position must provide substantially the same protections as provided in the FMLA, as made applicable by the CAA, for reinstated employees. See §825.215. In other words, the policy or collective bargaining agreement must provide for restoration to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. For example, an employee may not be restored to a position requiring additional licensure or certification.

**SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA**

**§825.700 Interaction with employing office's policies.**

(a) An employing office must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA. Conversely, the rights established by the FMLA, as made applicable by the CAA, may not be diminished by any employment benefit program or plan. For example, a provision of a collective bargaining agreement (CBA) which provides for reinstatement to a position that is not equivalent because of seniority (e.g., provides lesser pay) is superseded by FMLA. If an employing office provides greater unpaid family leave rights than are afforded by FMLA, the employing office is not required to extend additional rights afforded by FMLA, such as maintenance of health benefits (other than through COBRA or 5 U.S.C. 8905a, whichever is applicable), to the additional leave period not covered by FMLA.

(b) Nothing in the FMLA, as made applicable by the CAA, prevents an employing office from amending existing leave and employee benefit programs, provided they comply with FMLA, as made applicable by the CAA. However, nothing in the FMLA, as made applicable by the CAA, is intended to discourage employing offices from adopting or retaining more generous leave policies.

**§825.701 Reserved.**

**§825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA.**

(a) Nothing in the FMLA modifies or affects any applicable law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability (e.g., Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act and as made applicable by the CAA). FMLA's legislative history explains that FMLA is ''not intended to modify or affect the Rehabilitation Act of 1973, as amended, the regulations concerning employment which have been promulgated pursuant to that statute, or the Americans with Disabilities Act of 1990 as amended or the regulations issued under that act. Thus, the leave provisions of the FMLA are wholly distinct from the reasonable accommodation obligations of employers covered under the ADA or the Federal government itself. The purpose of the FMLA, as applied by the CAA, is to make leave available to eligible employees and employing offices within its coverage, and not to limit already existing rights and protection.'' S. Rep. No. 3, 103d Cong., 1st Sess. 38 (1993). An employing office must therefore provide leave under whichever statutory provision provides the greater rights to employees. When an employer violates both FMLA and a discrimination law, an employee may be able to recover under either or both statutes (double relief may not be awarded for the same loss; when remedies coincide a claimant may be allowed to utilize whichever avenue of relief is desired. *Laffey v. Northwest Airlines, Inc.*, 567 F.2d 429, 445 (D.C. Cir. 1976), cert. denied, 434 U.S. 1086 (1978).

(b) If an employee is a qualified individual with a disability within the meaning of the Americans with Disabilities Act (ADA), as made applicable by the CAA, the employing office must make reasonable accommodations, etc., barring undue hardship, in accordance with the ADA. At the same time, the employing office must afford an employee his or her FMLA rights, as made applicable by the CAA. ''ADA's disability'' and FMLA's ''serious health condition'' are different concepts, and must be analyzed separately. FMLA entitles eligible employees to 12 weeks of leave in any 12-month period due to their own serious health condition, whereas the ADA allows an indeterminate amount of leave, barring undue hardship, as a reasonable accommodation. FMLA requires employing offices to maintain employees' group health plan coverage during FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period, whereas ADA does not require maintenance of health insurance unless other employees receive health insurance during leave under the same circumstances.

(c)(1) A reasonable accommodation under the ADA might be accomplished by providing an individual with a disability with a part-time job with no health benefits, assuming the employing office did not ordinarily provide health insurance for part-time employees. However, FMLA would permit an employee to work a reduced leave schedule until the equivalent of 12 workweeks of leave were used, with group health benefits maintained during this period. FMLA permits an employing office to temporarily transfer an employee who is taking leave intermittently or on a reduced leave schedule to an alternative position, whereas the ADA allows an accommodation of reassignment to an equivalent, vacant position only if the employee cannot perform the essential functions of the employee's present position and an accommodation is not possible in the employee's present position, or an accommodation in the employee's present position would cause an undue hardship. The examples in the following paragraphs of this section demonstrate how the two laws would interact with respect to a qualified individual with a disability.

(2) A qualified individual with a disability who is also an eligible employee entitled to FMLA leave requests 10 weeks of medical leave as a reasonable accommodation, which the employing office grants because it is not an undue hardship. The employing office advises the employee that the 10 weeks of leave is also being designated as FMLA leave and will count towards the employee's FMLA leave entitlement. This designation does not prevent the parties from also treating the leave as a reasonable accommodation and reinstating the employee into the same job, as required by the ADA, rather than an equivalent position under FMLA, if that is the greater right available to the employee. At the same time, the employee would be entitled under FMLA to have the employing office maintain group health plan coverage during the leave, as that requirement provides the greater right to the employee.

(3) If the same employee needed to work part-time (a reduced leave schedule) after returning to his or her same job, the employee would still be entitled under FMLA to have group health plan coverage maintained for the remainder of the two-week equivalent of FMLA leave entitlement, notwithstanding an employing office policy that part-time employees do not receive health insurance. This employee would be entitled under the ADA to reasonable accommodations to enable the employee to perform the essential functions of the part-time position. In addition, because the employee is working a part-time schedule as a reasonable accommodation, the FMLA's provision for temporary assignment to a different alternative position would not apply. Once the employee has exhausted his or her remaining FMLA leave entitlement while working the reduced (part-time) schedule, if the employee is a qualified individual with a disability, and if the employee is unable to return to the same full-time position at that time, the employee might continue to work part-time as a reasonable accommodation, barring undue hardship; the employee would then be entitled to only those employment benefits ordinarily provided by the employing office to part-time employees.

(4) At the end of the FMLA leave entitlement, an employing office is required under FMLA to reinstate the employee in the same or an equivalent position, with equivalent pay and benefits, to that which the employee held when leave commenced. The employing office's FMLA obligations would be satisfied if the employing office offered the employee an equivalent full-time position. If the employee were unable to perform the essential functions of that equivalent position even with reasonable accommodation, because of a disability, the ADA may require the employing office to make a reasonable accommodation at that time by allowing the employee to work part-time or by reassigning the employee to a vacant position, barring undue hardship.

(d)(1) If FMLA entitles an employee to leave, an employing office may not, in lieu of FMLA leave entitlement, require an employee to take a job with a reasonable accommodation. However, ADA may require that an employing office offer an employee the opportunity to take such a position. An employing office may not change the essential functions of the job in order to deny FMLA leave. See §825.220(b).

(2) An employee may be on a workers' compensation absence due to an on-the-job injury or illness which also qualifies as a serious health condition under FMLA. The workers' compensation absence and FMLA leave may run concurrently (subject to proper notice and designation by the employing office). At some point the health care provider providing medical care pursuant to the workers' compensation injury may certify the employee is able to return to work in a light duty position. If the employing office offers such a position, the employee is permitted but not required to accept the position. See §825.220(d). As a result, the employee may no longer qualify for payments from the workers' compensation benefit plan, but the employee is entitled to continue on unpaid FMLA leave either until the employee is able to return to the same or equivalent job the employee left or until the 12-week FMLA leave entitlement is exhausted. See §825.207(e). If the employee returning from the workers' compensation injury is a qualified individual with a disability, he or she will have rights under the ADA, as made applicable by the CAA.

(e) If an employing office requires certifications of an employee's fitness for duty to return to work, as permitted by FMLA under a uniform policy, it must comply with the ADA requirement that a fitness for duty

physical be job-related and consistent with business necessity.

(f) Under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, and as made applicable by the CAA, an employing office should provide the same benefits for women who are pregnant as the employing office provides to other employees with short-term disabilities. Because Title VII does not require employees to be employed for a certain period of time to be protected, an employee employed for less than 12 months by the employing office may not be denied maternity leave if the employing office normally provides short-term disability benefits to employees with the same tenure who are experiencing other short-term disabilities.

(g) Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301, et seq., veterans are entitled to receive all rights and benefits of employment that they would have obtained if they had been continuously employed. Therefore, under USERRA, a returning servicemember would be eligible for FMLA leave if the months and hours that he or she would have worked for the civilian employing office during the period of absence due to or necessitated by USERRA-covered service, combined with the months employed and the hours actually worked, meet the FMLA eligibility threshold of 12 months of employment and the hours of service requirement. See §§825.110(b)(2)(i) and (c)(2) and 825.802(c).

(h) For further information on Federal antidiscrimination laws applied by section 201 of the CAA (2 U.S.C. 1311), including Title VII, the Rehabilitation Act, and the ADA, individuals are encouraged to contact the Office of Congressional Workplace Rights.

**SUBPART H—Reserved.**

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC–517. A letter from the Associate General Counsel for Legislation and Regulations, Office of the Deputy Secretary, Department of Housing and Urban Development, transmitting the Department's final rule — Housing Opportunity Through Modernization Act of 2016: Implementation of Sections 102, 103, and 104 [Docket No.: FR-6057-F-03] (RIN: 2577-AD03) received February 21, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

EC–518. A letter from the Associate General Counsel for Legislation and Regulations, Office of Housing, Federal Housing Commissioner, Department of Housing and Urban Development, transmitting the Department's final rule — Acceptance of Private Flood Insurance for FHA-Insured Mortgages [Docket No.: FR-6084-F-02] (RIN: 2502-AJ43) received February 21, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

EC–519. A letter from the Deputy Managing Director, Office of the Managing Director, Federal Communications Commission, transmitting the Commission's final rule — Establishment of the Space Bureau and the Office of International Affairs and Reorganization of the Consumer and Governmental Affairs Bureau and the Office of the Managing Director [MD Docket No.: 23-12] received February 21, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC–520. A letter from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting the Department's International Narcotics Control Strategy Report; to the Committee on Foreign Affairs.

EC–521. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Temporary and Term Employment (RIN: 3206-AN92) received February 24, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Accountability.

EC–522. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Probation on Initial Appointment to a Competitive Position, Performance-Based Reduction in Grade and Removal Actions and Adverse Actions (RIN: 3206-AO23) received February 24, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Accountability.

EC–523. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of San Mateo County, California, to a Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AO46) received February 24, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Accountability.

EC–524. A letter from the Senior Attorney, Office of Chief Counsel, Regulatory Affairs, Pipeline and Hazardous Material Safety Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Editorial Corrections and Clarifications; Correction [Docket No.: PHMSA-2021-0091 (HM-260B)] (RIN: 2137-AF56) received February 21, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–525. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2023-0155; Project Identifier MCAI-2022-01634-T; Amendment 39-22322; AD 2023-02-15] (RIN: 2120-AA64) received February 21, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC–526. A letter from the Regulation Development Coordinator, Office of Regulation Policy and Management, Office of General Counsel (00REG), Department of Veterans Affairs, transmitting the Department's final rule — Change in Rates VA Pays for Special Modes of Transportation (RIN: 2900-AP89) received February 21, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

EC–527. A letter from the Chair of the Board of Directors, Office of Congressional Workplace Rights, transmitting a notice of issuance of final regulations pursuant to the Congressional Accountability Act, pursuant to 2 U.S.C. 1384(d)(1); Public Law 104-1, Sec. 304(d)(1); (109 Stat. 30); jointly to the Committees on House Administration and Education and the Workforce.

EC–528. A letter from the Chair of the Board of Directors, Office of Congressional Workplace Rights, transmitting a notice of issuance of final regulations pursuant to the Congressional Accountability Act, pursuant to 2 U.S.C. 1384(d)(1); Public Law 104-1, Sec. 304(d)(1); (109 Stat. 30); jointly to the Committees on House Administration and Education and the Workforce.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LETLOW (for herself, Mr. SCALISE, Mr. EMMER, Ms. STEFANIK, Mr. JOHNSON of Louisiana, Mr. HUDSON, Ms. FOXX, Mrs. MILLER of Illinois, Mr. FITZGERALD, Mr. WILSON of South Carolina, Mr. THOMPSON of Pennsylvania, Mr. GROTHMAN, Mr. ALLEN, Mr. BANKS, Mr. SMUCKER, Mr. OWENS, Mrs. STEEL, Mr. BEAN of Florida, Mr. WILLIAMS of New York, Mrs. HOUCHIN, Mr. RESCHENTHALER, Mr. MOOLENAAR, Mr. NEWHOUSE, Mrs. MILLER-MEEKS, Mr. BUCHANAN, Mr. HIGGINS of Louisiana, Mr. FINSTAD, Ms. TENNEY, Mr. DESJARLAIS, Mr. FALLON, Mr. KELLY of Pennsylvania, Mr. EDWARDS, Mr. TIFFANY, Mr. CARL, Mr. CALVERT, Mr. VALADAO, Mrs. HINSON, Mr. NORMAN, Mr. BOST, Mr. MEUSER, Mr. WALTZ, Mr. KUSTOFF, Mr. MIKE GARCIA of California, Mr. GUTHRIE, Ms. MACE, Mr. STEIL, Mr. WENSTRUP, Mr. RUTHERFORD, Mr. GRAVES of Louisiana, Mrs. RODGERS of Washington, Mr. DUNCAN, Mr. MILLER of Ohio, Mr. MCCLINTOCK, Mr. CRENSHAW, Mr. MOONEY, Mr. GOODEN of Texas, Mr. GIMENEZ, Mrs. HARSHBARGER, Mr. GUEST, Mr. TONY GONZALES of Texas, Mr. HUIZENGA, Mrs. LUNA, Mr. BALDERSON, Mr. WITTMAN, Mr. ROUZER, Mr. CRAWFORD, Mr. EZELL, Mr. CAREY, Mrs. CAMMACK, Mr. ZINKE, Mr. MCCAUL, Mr. JOYCE of Pennsylvania, and Mr. HERN):

H.R. 5. A bill to ensure the rights of parents are honored and protected in the Nation's public schools; to the Committee on Education and the Workforce.

By Mr. MCGOVERN:

H.R. 1269. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase reimbursement rates of school meals, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Ohio (for himself, Mr. BALDERSON, Mr. MILLER of Ohio, Mr. LATTA, Mr. DAVIDSON, Mr. JOYCE of Ohio, Mr. WENSTRUP, Mrs. SYKES, Mr. TURNER, Mr. JORDAN, and Mr. CAREY):

H.R. 1270. A bill to exclude certain amounts relating to compensating victims of the East Palestine train derailment, and for other purposes; to the Committee on Ways and Means.

By Mr. CLOUD (for himself, Mr. CRENSHAW, Mrs. LUNA, Mrs. BOEBERT, Mr. BISHOP of North Carolina, Mr. BIGGS, Mr. PERRY, Mr. MANN, Mr. JOHNSON of Louisiana, Mrs. HARSHBARGER, Mr. BURLISON, Mr. NEHLS, Mr. MASSIE, Mr. LATURNER, Mr. SESSIONS, Mr. JOHNSON of Ohio, Mr. BERGMAN, Mr. CLYDE, Ms. DE LA CRUZ, Ms. GREENE of Georgia, Mr. MCCLINTOCK, Mr. GOOD of Virginia, Mr. BABIN, Mr. BRECHEEN, Mr. BURCHETT, Mrs. CAMMACK, Mr. CARL, Mr. CLINE, Mr. COLLINS, Mr. CRANE, Mr. CRAWFORD, Mr. DAVIDSON, Mr. DESJARLAIS, Mr. DONALDS, Mr. DUNCAN, Mr. DUNN of Florida, Mr. EDWARDS, Mr. ELLZEY, Mr. GAETZ, Mr. GOODEN of Texas, Mr. GOSAR, Mr. GRIFFITH, Mr. GROTHMAN, Ms. HAGEMAN, Mr. HUDSON, Mr. JOYCE of Pennsylvania, Mr. LAMBORN, Mrs. LESKO, Mrs. RODGERS of Washington, Mrs. MILLER of Illinois, Mr. MOONEY, Mr. MOORE of Alabama, Mr. MURPHY,

Mr. NORMAN, Mr. OGLES, Mr. POSEY, Mr. ROSENDALE, Mr. ROY, Ms. STEFANIK, Ms. TENNEY, Mr. TIFFANY, Mr. TIMMONS, and Mr. WEBER of Texas):

H.R. 1271. A bill to amend title 18, United States Code, to discontinue the collection by the Federal Government of firearm transaction records of discontinued firearms businesses, to require the destruction of such already collected records, and for other purposes; to the Committee on the Judiciary.

By Ms. ESCOBAR (for herself, Mr. VEASEY, Mr. ALLRED, Mr. CASTRO of Texas, Mr. VICENTE GONZALEZ of Texas, Ms. CROCKETT, Ms. GARCIA of Texas, Mr. DOGGETT, Mr. CASAR, Mr. CUELLAR, Ms. JACKSON LEE, Mrs. FLETCHER, and Mr. GREEN of Texas):

H.R. 1272. A bill to designate the facility of the United States Postal Service located at 4400 East Paisano Drive in El Paso, Texas, as the ''Enedina Sanchez Cordero Post Office Building''; to the Committee on Oversight and Accountability.

By Mr. GARAMENDI (for himself, Mr. GRAVES of Louisiana, Mr. MEEKS, and Mrs. RADEWAGEN):

H.R. 1273. A bill to amend the Peace Corps Act by providing better support for current and returned volunteers, and for other purposes; to the Committee on Foreign Affairs.

By Mr. AMODEI (for himself, Mrs. LEE of Nevada, Ms. TITUS, Mr. HORSFORD, and Mr. GARAMENDI):

H.R. 1274. A bill to reauthorize the Lake Tahoe Restoration Act, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BANKS (for himself, Mrs. MILLER of Illinois, Mr. HERN, Mr. ROSENDALE, Mr. LAMALFA, and Mr. GOSAR):

H.R. 1275. A bill to prohibit the use of Federal funds to carry out Executive Order 14091; to the Committee on Oversight and Accountability.

By Mr. BANKS (for himself, Mr. BABIN, Mr. JOHNSON of Louisiana, Mr. GROTHMAN, and Mr. NORMAN):

H.R. 1276. A bill to protect children from medical malpractice in the form of gender transition procedures; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Education and the Workforce, Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEYER (for himself, Mr. KELLY of Pennsylvania, Mr. CARTER of Texas, Mr. PANETTA, Mr. CLINE, Mr. DUNN of Florida, Mr. BOST, Mr. JACKSON of Texas, Mr. FITZPATRICK, Mr. BACON, Ms. MACE, Mr. ROSE, Mr. WITTMAN, Mr. GOSAR, Mrs. HINSON, Mr. LATURNER, Mr. JOHNSON of Ohio, Mr. SCHWEIKERT, Mr. GAETZ, Mr. OBERNOLTE, Mr. TURNER, Ms. WILD, Mr. PHILLIPS, Ms. TITUS, Mr. CONNOLLY, Mr. COHEN, Mr. MCGOVERN, Mr. CUELLAR, Mr. GOTTHEIMER, Ms. SCANLON, Mr. BISHOP of Georgia, Mr. EVANS, Mr. TRONE, Ms. SCHRIER, Ms. PINGREE, Mrs. PELTOLA, Ms. WEXTON, Ms. STRICKLAND, Ms. WILLIAMS of Georgia, Ms. DEAN of Pennsylvania, and Ms. HOULAHAN):

H.R. 1277. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Ways and Means.

By Ms. BROWNLEY:

H.R. 1278. A bill to amend title 38, United States Code, to improve the rate of payments provided by the Secretary of Veterans Affairs for beneficiary travel; to the Committee on Veterans' Affairs.

By Mr. BUCHANAN (for himself, Mr. POSEY, Mr. MILLS, Mr. MAST, Mrs. LUNA, Mr. RUTHERFORD, Ms. SALAZAR, Mr. WALTZ, Mr. MOONEY, Mr. COMER, Mr. STRONG, Ms. MACE, Mr. CARL, and Mr. BURCHETT):

H.R. 1279. A bill to make daylight savings time permanent, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. FITZPATRICK, and Mr. CLEAVER):

H.R. 1280. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to carry out a program of research related to cerebral palsy, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COHEN:

H.R. 1281. A bill to provide standards for physical condition and management of housing receiving assistance payments under section 8 of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. BILIRAKIS (for himself, Mr. RUIZ, Ms. BLUNT ROCHESTER, Mr. KEATING, Ms. HOULAHAN, Mr. GRIJALVA, Mr. MASSIE, Mr. CONNOLLY, Ms. NORTON, Mr. CARTWRIGHT, Mr. POSEY, Mr. FITZPATRICK, Mr. SWALWELL, Mr. GAETZ, Mrs. BEATTY, Ms. TITUS, Mr. VEASEY, Mr. HUDSON, Mr. LEVIN, Mr. NEGUSE, Mr. FINSTAD, Mr. WALTZ, Mr. GRAVES of Louisiana, Mr. FEENSTRA, Mr. MCCLINTOCK, Ms. LEE of California, Mr. BERGMAN, Mr. CASTRO of Texas, Mrs. HARSHBARGER, Mr. QUIGLEY, Mr. EVANS, Mr. COHEN, Ms. PINGREE, Mr. KILMER, Mr. COSTA, Ms. SALAZAR, Ms. DEAN of Pennsylvania, Mr. NEWHOUSE, Mr. LAHOOD, Mr. VALADAO, Mr. BOYLE of Pennsylvania, Mr. FALLON, Mrs. TORRES of California, Ms. DAVIDS of Kansas, Mr. MOONEY, Mr. CARBAJAL, Mr. BISHOP of Georgia, Ms. OMAR, Mr. KELLY of Mississippi, Mr. MOOLENAAR, Mr. CARTER of Georgia, Mrs. TRAHAN, Ms. UNDERWOOD, Mr. LUETKEMEYER, Mr. WEBSTER of Florida, Mr. PETERS, Mr. BISHOP of North Carolina, Ms. CRAIG, Mr. RUTHERFORD, Mrs. DINGELL, Mr. ESPAILLAT, Ms. ROSS, Mr. BERA, Mr. SCHIFF, Mr. MORELLE, Mr. TONKO, Mr. GOLDEN of Maine, Mrs. HAYES, Mr. HIGGINS of Louisiana, Mr. GUEST, Mr. ELLZEY, Mr. CLINE, Ms. DEGETTE, Ms. WILLIAMS of Georgia, Mr. DAVIS of North Carolina, Mr. CRAWFORD, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. CICILLINE, Mr. PHILLIPS, Ms. TLAIB, Mr. KIM of New Jersey, Mr. NORCROSS, Mr. CAREY, Mr. LYNCH, Mr. RYAN, Mr. CARSON, Mr. PFLUGER, Ms. DE LA CRUZ, Mr. DAVID SCOTT of Georgia, Mr. MCCAUL, Ms. KELLY of Illinois, Mr. CARTER of Louisiana, Ms. KAPTUR, Ms. SEWELL, Mr. THOMPSON of California, Mrs. MILLER-MEEKS, Mr. SIMPSON, Mr. GARCÍA of Illinois, Mr. JOHNSON of Ohio, Ms. HAGEMAN, Ms. SCANLON, Mr. TRONE, Mr. CASTEN, Ms. ESCOBAR, Mr. COURTNEY, Ms. WEXTON, Mr. KILDEE, Mr. DUNN of Florida, Ms. BROWNLEY, Ms. SCHOLTEN, Mr. SESSIONS, Ms. KAMLAGER-DOVE, Mr. NICKEL, Mr. TORRES of New York, Ms. CHU, Ms. STRICKLAND, Mr. WITTMAN, Mr. OBERNOLTE, Mr. D'ESPOSITO, Mrs. FISCHBACH, Mrs. RADEWAGEN, Mr. CÁRDENAS, Mr. GOTTHEIMER, Mr. DESJARLAIS, Mrs. LESKO, Mr. CROW, Ms. VAN DUYNE, Mr. THOMPSON of Pennsylvania, Ms. CROCKETT, Mr. BARR, Ms. CLARKE of New York, Mr. GARBARINO, Mr. PAPPAS, Mr. FOSTER, Mr. BACON, Mr. NUNN of Iowa, Mr. C. SCOTT FRANKLIN of Florida, Ms. MANNING, Ms. PEREZ, Ms. SLOTKIN, Mr. MOYLAN, Mr. HARDER of California, Mr. POCAN, Mr. LUTTRELL, Ms. MENG, Ms. KUSTER, Mr. CORREA, Mrs. FOUSHEE, Mrs. FLETCHER, Mr. ALLRED, Ms. STEVENS, Ms. BARRAGÁN, Ms. PELOSI, Mr. SCOTT of Virginia, Ms. TOKUDA, Mr. MEUSER, Mr. OWENS, Mr. LAWLER, Mr. TIFFANY, Ms. DELBENE, Mr. MOULTON, Mr. RUPPERSBERGER, Mrs. WATSON COLEMAN, Mr. SMITH of New Jersey, Mr. KRISHNAMOORTHI, Mr. SANTOS, Mr. BLUMENAUER, Mr. GOLDMAN of New York, Ms. WILD, Ms. LOFGREN, Mr. MIKE GARCIA of California, Mr. ZINKE, Ms. MALLIOTAKIS, Mr. JACKSON of North Carolina, Mr. COLE, Mr. TIMMONS, Ms. PORTER, Mr. PALLONE, Mr. MOSKOWITZ, Mr. DESAULNIER, Mr. VARGAS, Mr. SOTO, Mr. GOODEN of Texas, Mr. KEAN of New Jersey, Ms. SALINAS, Ms. SÁNCHEZ, Mr. SCHNEIDER, Mrs. GONZÁLEZ-COLÓN, Mr. GALLEGO, Mr. HIGGINS of New York, Mr. STAUBER, Mr. DAVIS of Illinois, Mr. MILLS, Mr. MEEKS, Ms. GREENE of Georgia, Mr. THOMPSON of Mississippi, Ms. GRANGER, Ms. MCCOLLUM, Mr. KHANNA, Mr. LALOTA, Mr. KELLY of Pennsylvania, Mr. VICENTE GONZALEZ of Texas, Ms. CASTOR of Florida, Mrs. RODGERS of Washington, Ms. SCHAKOWSKY, and Mrs. CAMMACK):

H.R. 1282. A bill to amend title 10, United States Code, to expand eligibility to certain military retirees for concurrent receipt of veterans' disability compensation and retired pay or combat-related special compensation, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN:

H.R. 1283. A bill to prohibit the use of certain names and likenesses on Government checks where such use has the potential to constitute self-promotion; to the Committee on Oversight and Accountability.

By Mr. DESAULNIER:

H.R. 1284. A bill to amend the Internal Revenue Code of 1986 to adjust the rate of income tax of a publicly traded corporation based on the ratio of compensation of the corporation's highest paid employee to the median compensation of all the corporation's employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONALDS:

H.R. 1285. A bill to require a report from the Secretary of Homeland Security on the existence of programs and components of the Department of Homeland Security that are not explicitly authorized in statute; to the Committee on the Judiciary.

By Mr. FALLON (for himself, Mr. SELF, Mr. JACKSON of Texas, Mr. HUNT, Mr. WEBER of Texas, Mr. ELLZEY, and Mr. GOODEN of Texas):

H.R. 1286. A bill to reimburse the State of Texas for the costs of Operation Lone Star, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Homeland Security, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENSTRA (for himself, Mr. LEVIN, and Mrs. MILLER-MEEKS):

H.R. 1287. A bill to amend the Agricultural Marketing Act of 1946 to establish a cattle contract library, and for other purposes; to the Committee on Agriculture.

By Mr. FEENSTRA:

H.R. 1288. A bill to amend the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 to impose sanctions against governments of foreign states that engage in an act or acts of gross negligence with respect to state owned, operated, or directed chemical or biological programs; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENSTRA:

H.R. 1289. A bill to require that any debt limit increase or suspension be balanced by equal spending cuts over the next decade; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FINSTAD (for himself and Mr. COSTA):

H.R. 1290. A bill to amend the Food, Conservation, and Energy Act of 2008 to clarify propane storage as an eligible use for funds provided under the storage facility loan program, and for other purposes; to the Committee on Agriculture.

By Mr. FITZGERALD (for himself, Mrs. CHAVEZ-DEREMER, Mr. TIFFANY, Ms. MALLIOTAKIS, Mr. MILLS, and Mrs. HINSON):

H.R. 1291. A bill to amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGO (for himself, Ms. DAVIDS of Kansas, and Mr. NEWHOUSE):

H.R. 1292. A bill to require Federal law enforcement agencies to report on cases of missing or murdered Indians, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Natural Resources, and Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARAMENDI (for himself and Mr. FITZPATRICK):

H.R. 1293. A bill to improve the safety of the air supply on aircraft, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GARBARINO (for himself, Mr. NADLER, Mr. D'ESPOSITO, Mr. GOLDMAN of New York, Mr. LALOTA, Mr. MEEKS, Ms. MENG, Ms. VELÁZQUEZ, Ms. CLARKE of New York, Ms. MALLIOTAKIS, Mr. ESPAILLAT, Mr. TORRES of New York, Mr. LAWLER, Mr. RYAN, Mr. MOLINARO, Mr. TONKO, Ms. STEFANIK, Mr. WILLIAMS of New York, Mr. LANGWORTHY, Ms. TENNEY, Mr. MORELLE, Mr. HIGGINS of New York, Mr. PAYNE, Mr. LARSON of Connecticut, Ms. NORTON, Mrs. WATSON COLEMAN, Mr. GOTTHEIMER, Ms. SCHAKOWSKY, Mr. PASCRELL, Mr. CASTEN, and Ms. BARRAGÁN):

H.R. 1294. A bill to amend title XXXIII of the Public Health Service Act with respect to flexibility and funding for the World Trade Center Health Program; to the Committee on Energy and Commerce.

By Mr. GOLDMAN of New York:

H.R. 1295. A bill to amend the Help America Vote Act of 2002 to allow individuals to vote in an election for Federal office during an early voting period which occurs prior to the date of the election, and for other purposes; to the Committee on House Administration.

By Mr. GROTHMAN (for himself and Mrs. MILLER of Illinois):

H.R. 1296. A bill to amend the Rehabilitation Act of 1973 to ensure workplace choice and opportunity for young adults with disabilities; to the Committee on Education and the Workforce.

By Mr. JACKSON of Texas (for himself, Mr. ROY, Mr. FALLON, Mr. WITTMAN, Mr. JOHNSON of Louisiana, Mr. WALTZ, Mr. LAMBORN, Mr. MCCORMICK, Mr. FINSTAD, Mr. ALFORD, Mr. WENSTRUP, Mr. SMITH of New Jersey, Mr. DUNCAN, Mr. ELLZEY, Mr. MOOLENAAR, Mr. WEBER of Texas, Mrs. BOEBERT, Mr. SESSIONS, Mr. BABIN, Mr. CLYDE, Mr. MANN, Mr. MAST, Ms. VAN DUYNE, Mr. GOODEN of Texas, Mr. GOOD of Virginia, Mr. ESTES, Mrs. MILLER of Illinois, Mr. BISHOP of North Carolina, Mr. NORMAN, Mr. WESTERMAN, Mr. OGLES, Mr. HIGGINS of Louisiana, Mr. GOSAR, Mr. RUTHERFORD, Mr. BRECHEEN, Mr. PFLUGER, Mr. STEUBE, Mr. POSEY, Mr. GROTHMAN, and Mr. BANKS):

H.R. 1297. A bill to amend title 10, United States Code, to prohibit the Secretary of Defense from paying or reimbursing expenses relating to abortion services, and for other purposes; to the Committee on Armed Services.

By Mr. JOYCE of Ohio (for himself, Mr. STEWART, Ms. MCCOLLUM, and Mr. CUELLAR):

H.R. 1298. A bill to establish the United States Foundation for International Conservation to promote long-term management of protected and conserved areas, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KEATING (for himself, Mr. SMITH of New Jersey, Ms. KAPTUR, and Mr. TURNER):

H.R. 1299. A bill to award a Congressional Gold Medal to the group of heroic participants in the Warsaw Ghetto Uprising who led an armed resistance against Nazi occupiers and fought to preserve and protect the Jewish culture; to the Committee on Financial Services.

By Mr. KELLY of Pennsylvania:

H.R. 1300. A bill to amend the Internal Revenue Code of 1986 to modify and reform rules relating to investigations and whistleblowers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILMER (for himself, Mr. CONNOLLY, and Mr. BOYLE of Pennsylvania):

H.R. 1301. A bill to suspend the enforcement of certain civil liabilities of Federal employees and contractors during a lapse in appropriations, or during a breach of the statutory debt limit, and for other purposes; to the Committee on Oversight and Accountability, and in addition to the Committees on Financial Services, Ways and Means, the Judiciary, Education and the Workforce, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Ms. BONAMICI, Mr. MEEKS, Mr. AUCHINCLOSS, Ms. LOFGREN, Mr. CASTEN, Mr. MORELLE, Mr. CROW, Ms. TITUS, Ms. NORTON, Ms. KAMLAGER-DOVE, Mr. HIGGINS of New York, Mr. SMITH of Washington, Mr. DESAULNIER, Ms. SCHAKOWSKY, Ms. BARRAGÁN, Mr. KEATING, Ms. SCANLON, Mr. LYNCH, Ms. TLAIB, Ms. KELLY of Illinois, Mr. GRIJALVA, Mr. CARSON, Mr. BLUMENAUER, and Mr. FROST):

H.R. 1302. A bill to repeal certain impediments to the administration of the firearms laws; to the Committee on the Judiciary.

By Ms. LEGER FERNANDEZ (for herself and Ms. STANSBURY):

H.R. 1303. A bill to amend the John D. Dingell, Jr. Conservation, Management, and Recreation Act to establish the Cerro de la Olla Wilderness in the Río Grande del Norte National Monument and to modify the boundary of the Río Grande del Norte National Monument; to the Committee on Natural Resources.

By Ms. LEGER FERNANDEZ (for herself, Ms. STANSBURY, and Mr. VASQUEZ):

H.R. 1304. A bill to approve the settlement of water rights claims of the Pueblos of Acoma and Laguna in the Rio San José Stream System and the Pueblos of Jemez and Zia in the Rio Jemez Stream System in the State of New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. LEVIN (for himself, Mr. FERGUSON, Mr. MCGOVERN, and Mr. AMODEI):

H.R. 1305. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of State, to formulate a strategy for the Federal Government to secure support from foreign countries, multilateral organizations, and other appropriate entities to facilitate the development and commercialization of qualified pandemic or epidemic products, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LUETKEMEYER:

H.R. 1306. A bill to provide for greater transfer of risk under the National Flood Insurance Program to private capital and reinsurance markets, and for other purposes; to the Committee on Financial Services.

By Mr. LUETKEMEYER:

H.R. 1307. A bill to repeal the mandatory flood insurance coverage requirement for commercial properties located in flood hazard areas, and for other purposes; to the Committee on Financial Services.

By Mr. LUETKEMEYER:

H.R. 1308. A bill to allow communities to develop alternative flood insurance rate maps, and for other purposes; to the Committee on Financial Services.

By Mr. LUETKEMEYER:

H.R. 1309. A bill to require the use of replacement cost value in determining the premium rates for flood insurance coverage under the National Flood Insurance Act, and for other purposes; to the Committee on Financial Services.

By Mr. MANN (for himself, Mr. NEGUSE, Mr. FITZPATRICK, Mrs. BICE, Mr. MOYLAN, Mr. DAVIS of North Carolina, Mr. LAMALFA, Mr. BACON, Ms. TOKUDA, Mr. JACKSON of Texas, Mr. VAN DREW, Mr. MCCAUL, Mrs. BOEBERT, and Ms. BUDZINSKI):

H.R. 1310. A bill to authorize the use of FBI criminal history record information for administration of interstate compacts, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCLAIN (for herself and Ms. FOXX):

H.R. 1311. A bill to amend the Higher Education Act of 1965 to direct the Secretary of Education to publish requirements for financial aid offers to be provided by institutions of higher education to enrolled and prospective students, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCGOVERN (for himself, Mr. NEAL, and Ms. BALINT):

H.R. 1312. A bill to amend the Wild and Scenic Rivers Act to direct the Secretary of the Interior to conduct a study of the Deerfield River for potential addition to the national wild and scenic rivers system, and for other purposes; to the Committee on Natural Resources.

By Mr. MOONEY (for himself, Mr. POSEY, Mr. FLOOD, Mr. DAVIDSON, Mr. EMMER, Mr. SESSIONS, Mr. ROSE, Mr. OGLES, Mr. NUNN of Iowa, Mrs. KIM of California, Mr. STEIL, Mr. WILLIAMS of Texas, Mr. FITZGERALD, Mr. HUIZENGA, Mr. LOUDERMILK, Mr. LUETKEMEYER, Mr. KUSTOFF, Mrs. HOUCHIN, Mr. BARR, and Mr. NORMAN):

H.R. 1313. A bill to enhance rulemaking requirements for the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Financial Services.

By Mr. MOORE of Utah (for himself, Mr. PANETTA, Mr. NEWHOUSE, and Ms. PORTER):

H.R. 1314. A bill to authorize the Secretary of the Interior to enter into partnerships to develop housing, and for other purposes; to the Committee on Natural Resources.

By Mr. MURPHY:

H.R. 1315. A bill to amend the Public Health Service Act to establish a Prostate Cancer Coordinating Committee, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEGUSE:

H.R. 1316. A bill to amend titles XIX and XXI of the Social Security Act to allow States to provide for extended periods of continuous coverage under the Medicaid and CHIP programs for children, to provide a period of continuous eligibility under the Medicaid program for certain adults, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEGUSE (for himself, Ms. LEGER FERNANDEZ, and Ms. STANSBURY):

H.R. 1317. A bill to require the Secretary of Agriculture and the Secretary of the Interior to prioritize the completion of the Continental Divide National Scenic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. NEGUSE (for himself, Mrs. LESKO, Mr. FITZPATRICK, Ms. VELÁZQUEZ, Ms. PORTER, Ms. WILD, Mr. MCGOVERN, Mrs. GONZÁLEZ-COLÓN, Mrs. WATSON COLEMAN, Mr. CARTER of Louisiana, Mrs. LEE of Nevada, Mr. CARBAJAL, Ms. PETTERSEN, and Ms. LOFGREN):

H.R. 1318. A bill to authorize the location of a monument on the National Mall to commemorate and honor the women's suffrage movement and the passage of the 19th Amendment to the Constitution, and for other purposes; to the Committee on Natural Resources.

By Mr. NEGUSE (for himself, Mr. CURTIS, and Mrs. LEE of Nevada):

H.R. 1319. A bill to require the Secretary of the Interior and the Secretary of Agriculture to develop long-distance bike trails on Federal land; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. GRIJALVA, Mr. CONNOLLY, Mr. SWALWELL, Mr. PASCRELL, Mr. PANETTA, Ms. PINGREE, Ms. BONAMICI, Mr. SCOTT of Virginia, Mrs. WATSON COLEMAN, Ms. ROSS, Mr. CASE, Mr. BLUMENAUER, Mr. NADLER, Mr. VAN DREW, Mr. PAYNE, Mr. HUFFMAN, Mr. CICILLINE, Mr. KIM of New Jersey, Mr. EVANS, Ms. BLUNT ROCHESTER, Ms. TOKUDA, Mr. FITZPATRICK, Mr. KEAN of New Jersey, Mr. GOTTHEIMER, Ms. PORTER, Mr. SCHIFF, Mr. NORCROSS, Ms. SHERRILL, Mr. MENENDEZ, and Ms. LEE of California):

H.R. 1320. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic, South Atlantic, North Atlantic, and Straits of Florida planning areas; to the Committee on Natural Resources.

By Mr. PANETTA (for himself and Mr. KELLY of Pennsylvania):

H.R. 1321. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion of gain from the sale of a principal residence, and for other purposes; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr. FITZPATRICK, Mr. GARBARINO, and Mr. CONNOLLY):

H.R. 1322. A bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes; to the Committee on Oversight and Accountability.

By Mr. PASCRELL (for himself, Mr. BACON, Mr. FITZPATRICK, and Mr. CONNOLLY):

H.R. 1323. A bill to amend title 5, United States Code, to provide that for purposes of computing the annuity of certain law enforcement officers, any hours worked in excess of the limitation applicable to law enforcement premium pay shall be included in such computation, and for other purposes; to the Committee on Oversight and Accountability, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PFLUGER:

H.R. 1324. A bill to require a determination of whether certain Chinese entities meet the criteria for the imposition of sanctions, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PINGREE:

H.R. 1325. A bill to permit aliens seeking asylum to be eligible for employment in the United States and for other purposes; to the Committee on the Judiciary.

By Ms. PORTER:

H.R. 1326. A bill to modify the limitation on the deduction by individuals of certain State and local taxes and to provide coverage for hearing and vision care under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROSS (for herself, Mr. CONNOLLY, Mr. BEYER, Ms. ADAMS, Mr. SCOTT of Virginia, and Mr. NICKEL):

H.R. 1327. A bill to amend the Outer Continental Shelf Lands Act to withdraw the outer Continental Shelf in the Mid-Atlantic planning area from disposition, and for other purposes; to the Committee on Natural Resources.

By Ms. SCHAKOWSKY (for herself, Mr. TRONE, Mr. VEASEY, Mr. BISHOP of Georgia, Mr. PANETTA, Mr. SARBANES, Mr. POCAN, Mr. QUIGLEY, Mr. SMITH of Washington, Mr. RUPPERSBERGER, Ms. BUSH, Mr. SESSIONS, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. GRIJALVA, Mr. CASTEN, Mr. GARCÍA of Illinois, Mr. RUTHERFORD, Mr. LYNCH, Ms. TITUS, Ms. BLUNT ROCHESTER, Mrs. CHERFILUS-MCCORMICK, Mr. CONNOLLY, Mr. CASE, Mr. KEATING, Mr. FITZPATRICK, Mr. DAVIS of Illinois, Ms. TLAIB, Ms. CRAIG, Ms. SEWELL, Mrs. HAYES, Mr. KILDEE, and Ms. KUSTER):

H.R. 1328. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish nonvisual accessibility standards for certain devices with digital interfaces, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SELF:

H.R. 1329. A bill to amend title 38, United States Code, to provide for an increase in the maximum number of judges who may be appointed to the United States Court of Appeals for Veterans Claims; to the Committee on Veterans' Affairs.

By Mrs. STEEL (for herself, Mr. PANETTA, Mr. CRENSHAW, Mr. VEASEY, Mr. WITTMAN, Ms. STRICKLAND, Mr. FALLON, Mr. GOLDEN of Maine, Mrs. LESKO, Mr. OWENS, Mr. MILLS, Mr. MANN, and Mr. LAMBORN):

H.R. 1330. A bill to provide for the loan and lease of defense articles to the Government of Taiwan, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEUBE:

H.R. 1331. A bill to treat Hurricane Ian as a qualified disaster for purposes of determining the tax treatment of certain disaster-related personal casualty losses; to the Committee on Ways and Means.

By Mr. TAKANO (for himself, Ms. JAYAPAL, and Ms. SCHAKOWSKY):

H.R. 1332. A bill to amend the Fair Labor Standards Act of 1938 to reduce the standard workweek from 40 hours per week to 32 hours per week, and for other purposes; to the Committee on Education and the Workforce.

By Ms. WILSON of Florida:

H.R. 1333. A bill to provide for a comfortable and safe temperature level in dwelling units receiving certain Federal housing assistance, and for other purposes; to the Committee on Financial Services.

By Ms. WILSON of Florida:

H.R. 1334. A bill to reform the requirements regarding the safety and security of families living in public and federally assisted housing in high-crime areas; to the Committee on Financial Services.

By Mr. BIGGS:

H.J. Res. 36. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DAVIDSON (for himself, Mrs. MILLER of Illinois, Mr. NORMAN, Mr. JACKSON of Texas, and Mr. PERRY):

H.J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States to provide that Representatives shall be apportioned among the several States according to their respective numbers, counting the number of persons in each State who are citizens of the United States; to the Committee on the Judiciary.

By Mrs. LESKO (for herself, Mr. DUNCAN, Mr. BANKS, Mrs. MILLER of Illinois, Mr. STEUBE, Mr. POSEY, and Mr. LAMBORN):

H.J. Res. 38. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

By Mr. GAETZ:

H. Con. Res. 21. Concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Syria; to the Committee on Foreign Affairs.

By Mr. BERGMAN:

H. Res. 189. A resolution requiring foreign state media outlets with credentialed members in the House news media galleries to comply with the Foreign Agents Registration Act by prohibiting the admission into such galleries of reporters and correspondents who are representatives of such outlets who are not in compliance with the requirements of such Act, and for other purposes; to the Committee on Rules.

By Mr. BIGGS:

H. Res. 190. A resolution recognizing the national debt as a threat to national security; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE of New York (for herself, Ms. BARRAGÁN, Ms. MENG, and Mr. CASTRO of Texas):

H. Res. 191. A resolution expressing support for the designation of September 2023 as ''National Leading Entertainment and Arts through Diversity Month'' or ''National LEAD Month'', and empowering underrepresented communities to take the lead within the entertainment industry; to the Committee on Energy and Commerce.

By Mr. ESPAILLAT (for himself and Mr. CICILLINE):

H. Res. 192. A resolution expressing the sense of the House of Representatives that the United States condemns the Russian Government's gross violations of international law amounting to war crimes and crimes against humanity, stands in solidarity with the people of Ukraine, and supports the efforts of international organizations to help people displaced by war and conflict; to the Committee on Foreign Affairs.

By Mr. THOMPSON of California (for himself and Mr. FITZPATRICK):

H. Res. 193. A resolution expressing support for the goals and ideals of ''World Hearing Day''; to the Committee on Energy and Commerce.

## CONSTITUTIONAL AUTHORITY AND SINGLE SUBJECT STATEMENTS

Pursuant to clause 7(c)(1) of rule XII and Section 3(c) of H. Res. 5 the following statements are submitted regarding (1) the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution and (2) the single subject of the bill or joint resolution.

By Ms. LETLOW:

H.R. 5.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the Constitution of the United States.

The single subject of this legislation is:

related to parents' rights in their children's education.

By Mr. MCGOVERN:

H.R. 1269.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

The single subject of this legislation is:

education

By Mr. JOHNSON of Ohio:

H.R. 1270.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

The single subject of this legislation is:

Provide tax relief to victims of the East Palestine train derailment

By Mr. CLOUD:

H.R. 1271.

Congress has the power to enact this legislation pursuant to the following:

Second Amendment: ''A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.''

Article I, Section 8, Clause 18

The single subject of this legislation is:

This bill would require the ATF to delete all firearm transaction records they have on file and prevent them from acquiring firearm transaction records in the future.

By Ms. ESCOBAR:

H.R. 1272.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

The single subject of this legislation is:

Postal

By Mr. GARAMENDI:

H.R. 1273.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the U.S. Constitution

The single subject of this legislation is:

International Affairs

By Mr. AMODEI:

H.R. 1274.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to authorize Appropriations under Article 1, Section 9 of the United States Constitution.

The single subject of this legislation is:

This legislation will reauthorize the Lake Tahoe Restoration Act through 2034.

By Mr. BANKS:

H.R. 1275.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

The single subject of this legislation is:

To prohibit the use of federal funds to carry out Executive Order 14091.

By Mr. BANKS:

H.R. 1276.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

The single subject of this legislation is:

Health

By Mr. BEYER:

H.R. 1277.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

To expand the Work Opportunity Tax Credit to include military spouses.

By Ms. BROWNLEY:

H.R. 1278.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

The single subject of this legislation is:

Veterans

By Mr. BUCHANAN:

H.R. 1279.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, Sec. 8

The single subject of this legislation is:

To make daylight saving time permanent

By Mr. COHEN:

H.R. 1280.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

The single subject of this legislation is:

Health care

By Mr. COHEN:

H.R. 1281.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Housing

By Mr. BILIRAKIS:

H.R. 1282.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

The single subject of this legislation is:

To expand eligibility to certain military retirees for concurrent receipt of veterans' disability compensation and retired pay or combat-related special compensation

By Mr. COHEN:

H.R. 1283.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sections 1 and 8

The single subject of this legislation is:

Treasury and Government Reform

By Mr. DESAULNIER:

H.R. 1284.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

To increase corporate taxes on publicly traded companies with extreme disparities between CEO and worker pay.

By Mr. DONALDS:

H.R. 1285.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8 of the U.S. Constitution

The single subject of this legislation is:

Immigration

By Mr. FALLON:

H.R. 1286.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

The single subject of this legislation is:

Border Security

By Mr. FEENSTRA:

H.R. 1287.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 4 of the Constitution

The single subject of this legislation is:

To establish mandatory minimum purchase volumes for packers through ''approved pricing mechanisms'', establish a maximum penalty for covered packers of $90,000 for mandatory minimum violations, and to create a publicly available library of marketing contracts.

By Mr. FEENSTRA:

H.R. 1288.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

The single subject of this legislation is:

The bill would amend the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 to impose sanctions against governments of foreign states that engage in an act or acts of gross negligence with respect to state owned, operated, or directed chemical or biological programs.

By Mr. FEENSTRA:

H.R. 1289.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 5. clause 2

Article 1, Section 8

The single subject of this legislation is:

To require that any debt limit increase or suspension be balanced by equal spending cuts over the next decade.

By Mr. FINSTAD:

H.R. 1290.

Congress has the power to enact this legislation pursuant to the following:

Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

The single subject of this legislation is:

Expanding eligible use for funds provided under the storage facility loan program.

By Mr. FITZGERALD:

H.R. 1291.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

The single subject of this legislation is:

To permanently designate fentanyl-related substances to Schedule I of the Controlled Substances Act.

By Mr. GALLEGO:

H.R. 1292.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: ''[The Congress shall have the power . . .] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

The single subject of this legislation is:

Tribal Issues

By Mr. GARAMENDI:

H.R. 1293.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the U.S. Constitution

The single subject of this legislation is:

Transportation and Public Works

By Mr. GARBARINO:

H.R. 1294.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

This bill addresses the impending funding shortfall for the World Trade Center Health Program and ensures adequate funding for years to come.

By Mr. GOLDMAN of New York:

H.R. 1295.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof''.

The single subject of this legislation is:

The subject of the bill is voting rights.

By Mr. GROTHMAN:

H.R. 1296.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

The single subject of this legislation is:

Disability employment

By Mr. JACKSON of Texas:

H.R. 1297.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the United States Constitution

The single subject of this legislation is:

Prohibiting the Department of Defense from paying for expenses relating to abortion services.

By Mr. JOYCE of Ohio:

H.R. 1298.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I

The single subject of this legislation is:

This bill would create a U.S. Foundation for to help finance international conservation projects.

By Mr. KEATING:

H.R. 1299.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

The single subject of this legislation is:

Legislation to award a Congressional Gold Medal to the group of heroic participants in the Warsaw Ghetto Uprising who led an armed resistance against Nazi occupiers and fought to preserve and protect the Jewish culture.

By Mr. KELLY of Pennsylvania:

H.R. 1300.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution.

The single subject of this legislation is:

To amend the Internal Revenue Code of 1986 to modify and reform rules relating to investigations and whistleblowers, and for other purposes.

By Mr. KILMER:

H.R. 1301.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (relating to the power of Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.)

The single subject of this legislation is:

Protecting federal workers and their families from foreclosures, evictions, and loan defaults during a government shutdown.

By Ms. LEE of California:

H.R. 1302.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution

The single subject of this legislation is:

Judiciary

By Ms. LEGER FERNANDEZ:

H.R. 1303.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3

The single subject of this legislation is:

Environment

By Ms. LEGER FERNANDEZ:

H.R. 1304.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Tribes

By Mr. LEVIN:

H.R. 1305.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

The single subject of this legislation is:

Pandemic preparedness

By Mr. LUETKEMEYER:

H.R. 1306.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerate in Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution. Additionally, Article 1, Section 7, Clause 2 of the Constitution allows for every bill passed by the House of Representatives and the Senate and signed by the President to be codified into law and therefore implicitly allows Congress to

The single subject of this legislation is:

To provide for greater transfer of risk under the National Flood Insurance Program to private capital and reinsurance markets, and for other purposes.

By Mr. LUETKEMEYER:

H.R. 1307.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerate in Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution. Additionally, Article 1, Section 7, Clause 2 of the Constitution allows for every bill passed by the House of Representatives and the Senate and signed by the President into law and therefore implicitly allows Congress to

The single subject of this legislation is:

To repeal the mandatory flood insurance coverage requirement for commercial properties located in flood hazard areas; and for other purposes.

By Mr. LUETKEMEYER:

H.R. 1308.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerate in Article 1, Section 8; Clause 3, the Commerce Clause, of the United States Constitution. Additionally, Article 1, Section 7, Clause 2 of the Constitution allows for every bill passed by the House of Representatives and the Senate and signed by the President to be codified into law and therefore implicitly allows Congress to

The single subject of this legislation is:

to allow communities to develop alternative flood insurance rate maps, and for other purposes.

By Mr. LUETKEMEYER:

H.R. 1309.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerate in Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution. Additionally, Article 1, Section 7, Clause 2 of the Constitution allows for every bill passed by the House of Representatives and the Senate and signed by the President to be codified into law and therefore implicitly allows Congress to

The single subject of this legislation is:

To require the use of replacement cost value in determining the premium rates for flood insurance coverage under the National Flood Insurance Act, and for other purposes.

By Mr. MANN:

H.R. 1310.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

The single subject of this legislation is:

To authorize the use of FBI criminal history record information for administration of interstate compacts,.

By Mrs. McCLAIN:

H.R. 1311.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

To amend the Higher Education Act of 1965 to direct the Secretary of Education to publish requirements for financial aid offers to be provided by institutions of higher education to enrolled and prospective students.

By Mr. McGOVERN:

H.R. 1312.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

The single subject of this legislation is:

Conservation of the Deerfield River and its tributaries in Massachusetts and Vermont.

By Mr. MOONEY:

H.R. 1313.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

The single subject of this legislation is:

Consumer Financial Protection Bureau

By Mr. MOORE of Utah:

H.R. 1314.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority to enact this legislation pursuant to the power granted under Article IV, Section 3;

Clause 2 of the United States Constitution

The single subject of this legislation is:

To help provide housing for the National Park Service

By Mr. MURPHY:

H.R. 1315.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

This legislation coordinates prostate cancer research across federal agencies.

By Mr. NEGUSE:

H.R. 1316.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

To allow States to provide for extended periods of continuous coverage under the Medicaid and CHIP programs for children and certain adults.

By Mr. NEGUSE:

H.R. 1317.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Continued work towards completion of the Continental Divide Trail.

By Mr. NEGUSE:

H.R. 1318.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Authorize a monument to women's suffrage to be placed on the National Mall.

By Mr. NEGUSE:

H.R. 1319.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Increase opportunities for long-distance bike trails.

By Mr. PALLONE:

H.R. 1320.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 2(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for the legislation 1, section 8 of the Constitution.

The single subject of this legislation is:

Energy

By Mr. PANETTA:

H.R. 1321.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 18

The single subject of this legislation is:

Taxation

By Mr. PASCRELL:

H.R. 1322.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8 of the United States Constitution.

The single subject of this legislation is:

Law enforcement.

By Mr. PASCRELL:

H.R. 1323.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8 of the United States Constitution.

The single subject of this legislation is:

Law enforcement.

By Mr. PFLUGER:

H.R. 1324.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

Holds CCP-linked technology companies accountable for their human rights abuses in the People's Republic of China and the Islamic Republic of Iran

By Ms. PINGREE:

H.R. 1325.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Asylum seeker work authorization

By Ms. PORTER:

H.R. 1326.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution

The single subject of this legislation is:

To modify the limitation on the deduction by individuals of certain State and local taxes and to provide coverage for hearing and vision care under the Medicare program.

By Ms. ROSS:

H.R. 1327.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Offshore energy leasing

By Ms. SCHAKOWSKY:

H.R. 1328.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The single subject of this legislation is:

Accessibility of home-use medical devices for blind and low-vision Americans.

By Mr. SELF:

H.R. 1329.

Congress has the power to enact this legislation pursuant to the following:

Section 7253(a) of title 3; United States Code, is

7 amended by striking ''seven'' and inserting ''nine''.

The single subject of this legislation is:

Veterans Claims

By Mrs. STEEL:

H.R. 1330.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Foreign Affairs

By Mr. STEUBE:

H.R. 1331.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the U.S. Constitution

The single subject of this legislation is:

To treat Hurricane Ian as a qualified disaster for purposes of tax treatment

By Mr. TAKANO:

H.R. 1332.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

The single subject of this legislation is:

To amend the Fair Labor Standards Act to reduce the standard workweek from 40 hour to 32 hours

By Ms. WILSON of Florida:

H.R. 1333.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Federal housing assistance

By Ms. WILSON of Florida:

H.R. 1334.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

safety and security of families living in public and federally assisted housing in high-crime areas

By Mr. BIGGS:

H.J. Res. 36.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The single subject of this legislation is:

The single subject is proposing a balenced budget amendment to the Constitution.

By Mr. DAVIDSON:

H.J. Res. 37.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 2 Clause 3

The single subject of this legislation is:

Judiciary

By Mrs. LESKO:

H.J. Res. 38.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Parental rights to be preserved in the U.S. Constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 29: Mr. FLOOD.
H.R. 33: Mr. SMITH of Washington.
H.R. 38: Mrs. MILLER of Illinois.
H.R. 51: Mr. GOLDMAN of New York.
H.R. 79: Mr. TIFFANY.
H.R. 82: Mrs. HAYES, Mr. SOTO, and Ms. DAVIDS of Kansas.
H.R. 130: Mr. AMODEI, Mr. LALOTA, and Mr. OWENS.
H.R. 244: Mr. SMITH of Washington.
H.R. 327: Mr. ARMSTRONG.
H.R. 347: Mr. BANKS.
H.R. 533: Ms. JAYAPAL.
H.R. 536: Ms. OMAR and Mr. CASAR.
H.R. 544: Mrs. CHERFILUS-MCCORMICK, Mr. SCHIFF, Mrs. DINGELL, and Mr. QUIGLEY.
H.R. 547: Mrs. CHERFILUS-MCCORMICK and Mr. CORREA.
H.R. 564: Mr. CLOUD, Mr. CARTER of Georgia, Mr. CRENSHAW, and Mrs. HARSHBARGER.
H.R. 603: Mr. NADLER.
H.R. 625: Ms. WEXTON.
H.R. 639: Mr. GOLDMAN of New York.
H.R. 640: Mr. GOLDMAN of New York.
H.R. 670: Ms. MENG.
H.R. 694: Ms. KELLY of Illinois.
H.R. 717: Ms. TLAIB.
H.R. 734: Mr. YAKYM, Mrs. LUNA, Mr. HUDSON, Mr. LALOTA, and Mr. TIMMONS.
H.R. 736: Mr. DUNN of Florida.
H.R. 751: Mrs. LESKO.
H.R. 758: Mrs. KIM of California, Mr. FITZPATRICK, Mr. KUSTOFF, Mr. GUEST, and Mr. TIMMONS.
H.R. 856: Ms. OMAR.
H.R. 901: Mr. GRIJALVA.
H.R. 906: Ms. PETTERSEN and Mr. WALBERG.
H.R. 907: Ms. MATSUI.
H.R. 944: Mr. RUTHERFORD.
H.R. 949: Mr. POCAN and Mr. CORREA.
H.R. 952: Ms. SCHAKOWSKY.
H.R. 976: Mr. YAKYM.
H.R. 977: Mrs. MILLER-MEEKS.
H.R. 1002: Mr. CUELLAR.
H.R. 1024: Ms. MACE and Mr. FITZPATRICK.
H.R. 1045: Ms. SHERRILL, Mr. BISHOP of Georgia, Mrs. TORRES of California, Mr. KIM of New Jersey, Mr. MRVAN, and Mr. MOLINARO.
H.R. 1109: Mr. CASE.
H.R. 1118: Ms. SPANBERGER.
H.R. 1141: Mr. HUDSON.
H.R. 1150: Mrs. HAYES.
H.R. 1191: Mr. DESJARLAIS.
H.R. 1194: Mr. LALOTA.
H.R. 1214: Mr. TRONE.
H.R. 1250: Mrs. BOEBERT.
H.J. Res. 11: Mr. GREEN of Tennessee and Mr. FLOOD.
H.J. Res. 27: Mr. DESJARLAIS, Mr. HUIZENGA, Ms. DE LA CRUZ, Mr. BACON, Mr. JORDAN, and Mr. CARL.
H.J. Res. 28: Mrs. HAYES and Mr. TRONE.
H. Res. 33: Mr. DELUZIO.
H. Res. 39: Mr. MANN.
H. Res. 43: Mr. BOYLE of Pennsylvania, Ms. PORTER, Mr. LAWLER, Mrs. TRAHAN, Mr. TRONE, Ms. SCHAKOWSKY, Mr. BISHOP of Georgia, Mr. BOWMAN, Ms. STANSBURY, Mr. DELUZIO, Mr. COSTA, and Ms. TITUS.
H. Res. 74: Mr. GOLDMAN of New York.
H. Res. 92: Mr. FITZPATRICK, Ms. SALAZAR, and Mr. JOHNSON of Ohio.
H. Res. 100: Mr. YAKYM.
H. Res. 117: Mr. BABIN and Mr. HUDSON.
H. Res. 118: Mr. BABIN and Mr. HUDSON.
H. Res. 122: Mr. VEASEY and Mr. NICKEL.
H. Res. 165: Mr. LUTTRELL.
H. Res. 182: Ms. OMAR.